



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

GOVERNOR EDMUND G. BROWN JR.

Licensing Committee Report

Members:

Debbie Veale, RPh, Chairperson

Ryan Brooks, Public Member

Lavanza Butler, RPh

Victor Law, Pharm D

Albert Wong, PharmD

LICENSING COMMITTEE REPORT AND ACTION

Report of the Licensing Committee Meeting on April 12, 2013.

a. FOR INFORMATION: Licensing Committee Dates

The committee dates for the remainder of the year. The location for these meetings has not been determined.

- May 28, 2013
- September 24, 2013
- December 11, 2013

b. FOR DISCUSSION: Recommendations for Regulation Changes to Require or Standardize the Reporting of Convictions and Discipline at the Time of Renewal for Pharmacists, Pharmacy Technicians and Designated Representatives

Attachment 1

Relevant Statutes and Regulations

Business and Professions Code Section 4036 provides the definition for “pharmacist” and specifies that the holder of an unexpired and active pharmacist license is entitled to practice pharmacy as defined in pharmacy law.

Business and Professions Code Section 4022.5 provides the definition of “designated representative” and Business and Professions Code Section 4038 provides the definition of a pharmacy technician.

California Code of Regulations Section 1702 details the fingerprint and criminal conviction requirements that are currently required as a condition of renewal for a pharmacist.

Background

As part of the Consumer Protection Enforcement Initiative in 2008/2009, the board undertook review and evaluation of several areas of its enforcement and licensing functions to identify areas where the board could improve its ability to ensure it received or had access to

information necessary to make appropriate licensing decisions as well as ensure it received relevant information to initiate investigations and take appropriate action to better protect consumers.

As part of this effort the board sought new regulatory authority to require fingerprinting of pharmacists that had not previously submitted fingerprints to the Department of Justice in an electronic format. To augment this effort, the board also sought to require as a condition of renewal, that a pharmacist also self-report any convictions. These changes took effect in December 2010. At the time the board adopted the changes, they requested that similar provisions be implemented for pharmacy technicians and designated representatives at a future date.

Committee Discussion & Action

During the meeting, the committee discussed a staff recommendation that would make changes to the existing pharmacist renewal as well as place similar renewal requirements on pharmacy technician and designative representatives. The proposed changes to specific the pharmacist renewal include:

- Disclosure of disciplinary action
- Removing reference to the implementation date
- Clarifying that disclosure of criminal conviction information and disciplinary action is for action taken since the last renewal of the license.

Attachment 1 includes draft regulation language. Based on comments received by the committee and counsel, this language will be revised and considered during the next committee meeting for possible action.

The committee expressed support for the concept of the proposal and will review the proposed regulation language during its next meeting for possible action.

c. FOR DISCUSSION: Recommendation for Regulation Changes to Require Site Licensees to Report Disciplinary Actions by Other Entities at Time of Renewal

Relevant Statutes and Regulations

Business and Professions Code Section 4112 provides for the regulation of a pharmacy located outside of California that ships, mails, or delivers, in any matter, controlled substances, dangerous drugs, or dangerous devices into this state.

Business and Professions Code Section 4161 provides for the regulation of a wholesaler located outside of California that ships, sells, mails, or delivers dangerous drugs or devices into this state or that sells, brokers or distributes such products.

Background

As part of the requirements for initial licensure as either a nonresident pharmacy or nonresident wholesaler an applicant must hold a current license in the resident state. Prior to

issuance of a CA license, such applicants provide the board with license verification from the resident state that provides our board with confirmation of the current standing with the other state board as well as notification if the license has been disciplined.

This information is very valuable when making a licensing decision; however it only provides information at the time of licensure.

Committee Discussion & Action

During this meeting, the committee discussed the proposal to require as a condition of renewal, disclosure of any disciplinary action taken against the entity in its home state.

The committee discussed the policy behind the recommendation and expressed support for the concept. The committee heard concerns about the draft language in its current form and the need to better clarify some of the language in the provision.

Attachment 2 contains the draft language that was provided to the committee. Based on comments received by the committee and counsel, this language will be revised and considered during the next committee meeting for possible action.

d. FOR DISCUSSION and POSSIBLE ACTION: Proposed Amendments to California Business and Professions Code Section 4053 Regarding the Qualifying Experience of Designated Representatives

Attachment 3

Relevant Statutes and Regulations

Business and Professions Code Section 4053 provides authority to the board to issue a designated representative license to an individual that meets specified criteria. This section also specifies that an individual licensed as such is responsible for protection of public health and safety in the handling, storage and shipment of dangerous drugs and devices in a wholesaler or veterinary food animal drug retailer.

Background

Current pharmacy law establishes the requirements for licensure as follows:

- a. High school graduation or equivalent
- b. One year paid work experience within the past three years OR
Meet all of the prerequisites to take the pharmacist licensure examination
- c. Completion of a training program

The board is currently seeking changes to this section of law through an omnibus proposal to clarify that the experience required above is earned in a licensed facility.

Committee Discussion and Action

During the meeting, the committee discussed one additional proposed change to B&PC 4053 to waive the training program for an individual that meets the requirements to take pharmacist

licensure examination. By law, such an individual would have either a Bachelors of Science in Pharmacy or PharmD as well as at least 1500 hours of intern experience.

Further, based on public comment received during the meeting, the committee considered a recommendation to also seek an additional change to this section that would specify that an applicant must also be at least 18 years old.

Committee Recommendation

Accept the staff recommendation to amend B&PC 4053 as provided and also include an additional amendment to require the applicant to be at least 18 years of age.

Attachment 3 contains the language for board consideration.

e. **FOR INFORMATION: Review of Request from Det Norske Veritas (DNV) to Renew Board of Pharmacy Approval as an Accreditation Agency for Licensed Sterile Injectable Compounding Pharmacist**

Relevant Statutes

Business and Professions Code Sections 4127 – 4127.8 provides for the regulation of pharmacies that compound sterile injectable drug products in a pharmacy. Pharmacy law creates an exemption from the licensure requirements for a pharmacy that is accredited by a private accreditation agency approved by the board (B&PC 4127.1 (d) and 4127.2 (c).)

Background

For the past several years the board has been discussing several elements of pharmacies that compound sterile injectable products, including the requirements for private accreditation agencies. As part of the current approval process, such agencies apply to the board for consideration and approval by the board.

Det Norske Veritas (DNV) was previously approved by the board for a three year period. This approval will expire later this year. As such DNV has submitted a new request to the board. Regrettably because the Licensing Committee meeting was rescheduled, a representative from DNV was unable to attend the committee meeting.

Committee Discussion and Action

The committee briefly discussed the current approval of DNV and was advised that their approval expires in July 2013, unless the board extends it. The committee expressed its interest in having the opportunity to appropriately review and evaluate DNV as part of its next committee meeting and discussed how this could be accomplished.

Committee Recommendation

Recommend a three month extension to the approval of DNV to allow the company to present at the next committee meeting scheduled in May.

f. FOR INFORMATION: Update on Implementation of BreZE and Potential Impact on License Applications and Renewals

Background

Over the past several years, the board has been apprised of the status of implementation of the new computer system, BreZE, through the board's Organizational Development Committee. This will continue to be the case; however board staff would like to also advise the committee about the upcoming transition to the new system by some of the boards within DCA.

As part of the implementation strategy used by the DCA to deploy this new system, boards and bureaus within the department are transitioning to this new system in three releases. While our board is scheduled for the second release, its operations will be impacted during the actual cut over time period for those programs in release one. Specifically, it is anticipated that several of the board's licensing functions will be on hold for about four to six days. During this time applications cannot be processed and licenses cannot be renewed. We have been advised that the cut over is scheduled for mid-May.

Committee Discussion

The committee discussed the potential impact to the cutover will have to licenses that renew the end of April and May as well as the impact to applicants. Board staff indicated some ways to mitigate some of the potential impact. In response to concerns about communication with other regulators about license status, Ms. Herold offered to serve as the point of contact and in her absence, Ms. Sodergren could be contacted.

The committee did not take action on this item.

g. FOR INFORMATION: Accreditation Reviews Planned During 2013 of California Schools by the Accreditation Council on Pharmacy Education

Background

All schools of pharmacy in the United States are accredited by one body, the Accreditation Council for Pharmacy Education (ACPE).

Schools of pharmacy are visited according to a schedule developed by ACPE. Typically a California board member is invited to participate as an observer during accreditation visits of California schools of pharmacy by the ACPE. As the board learns the schedule of which school is undergoing review, typically Board President Weisser asks several board members if one of them would be interested in participating in this review as an observer.

Committee Discussion & Action

Ms. Veale advised the committee that two California schools are currently under review. California Northstate was reviewed in April, and UCSF will be evaluated in the fall. Board

Member Kajioka participated as an observer at California Northstate and President Weisser will participate as an observer at UCSF.

Ms. Herold also advised the committee about six additional pharmacy schools in California that are in various stages of development and accreditation. If all are successful, California will have 14 accredited programs.

The committee did not take action on this item.

h. FOR INFORMATION: Results from Continuing Education Audits

Relevant Statutes and Regulations

Business and Professions Code Section 4231 establishes the continuing education requirements for pharmacists. Specifically, this section requires pharmacists to complete 30 hours of continuing education every two years (except for the first renewal). Further, this section establishes the board's authority to conduct audits to confirm compliance with this requirement and sets forth the parameters for noncompliance with this requirement.

Background

To facilitate the provisions of B&PC 4231, all pharmacists are required to complete a renewal application that provides an attestation to the completion of continuing education. The language is provided below.

I successfully completed the hours of continuing education for renewal. I completed ____ hours of CE during my last renewal period.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Signature_____

Date_____

Every year, the board audits a number of pharmacists who certify they have completed the required CE. During these audits, not all pharmacists are able to provide proof that they have completed the CE they reported.

A review of the audit results for the past two years reveals that almost 20% of all pharmacists are unable to provide proof of completion of the required continuing education. In such cases, the pharmacist is issued a citation and fine.

Committee Discussion and Action

The committee reviewed the statistics provided. During the past two years the board conducted 422 random audits. Of those completed, 82 pharmacists failed the audit. 55 of the

pharmacists later became compliant, however 27 failed to do so and as such licenses were placed on an inactive status.

The committee also discussed the NABP's CE monitoring program that provides states with a centralized database to confirm compliance with CE coursework completed. The committee discussed the limitation on that monitoring program that currently only collects information on CE courses and that are ACPE approved. Because CA law allows for courses recognized by the Medical Board, Dental Board and others, this reporting system is not an option to confirm compliance.

The committee did not take action on this item.

i. FOR INFORMATION: Review of Statistics Regarding Discipline and License Denial of Pharmacy Technicians

Attachment 4

Background

At this meeting at the request of President Weisser, the committee began a review of statistics regarding the number of pharmacy technicians who are formally disciplined following licensure, are denied licensure at time of application, or who are issued a probationary license.

Committee Discussion & Action

The committee reviewed the statistics provided. It noted that the board denies about 1% of all of the application received. In about 50% of those cases, the applicant requests an appeal of the board's decision. Although a number of the denials are still pending, of those that are completed no denials have been dismissed. Slightly over 50% of the denials have been upheld and the remained have been issued a restricted license.

The committee did not take action on this item, but suggested that the committee should evaluate the underlying violations or convictions that warrant the action and if the board should evaluate the impact on medical marijuana.

Attachment 4 includes the statistics reviewed by the committee..

j. Competency Committee Report

Attachment 5

California Practice Standards and Jurisprudence Examination for Pharmacists (CPJE)

Effective April 1, 2013, the board instituted a quality assurance review of the California Practice Standards and Jurisprudence Examination for Pharmacists (CPJE). This means that there will be a delay in the release of all CPJE examination scores. This process is done periodically to ensure the reliability of the examination. The board will release scores as soon as possible. Based on historical patterns, the board anticipates results being released approximately May or June 2013. The board encourages all qualified applicants to continue to schedule and take the CPJE

exam. The greater the number of applicants who take the exam during this review period, the sooner results can be released.

Examination Development

The Competency Committee workgroups continues to meet throughout 2013 for examination development. Both Competency Committee workgroups will meet for the annual meeting in August to discuss examination development.

Examination Statistics

Attachment 5 includes examination statistics for the California Practice Standards and Jurisprudence Examination for Pharmacists (CPJE) and the North American Pharmacy Licensure Examination (NAPLEX) exams from October 2012 through March 2013.

The overall pass rate for the CPJE was 64.3%; however, the pass rate was higher for graduates from the California Schools of Pharmacy at 73.0%. Applicants with a PharmD degree also continue to perform better on the exam with an overall pass rate of 67.6% versus those with a BS degree which has a pass rate of 49.5%.

The overall pass rate for the NAPLEX was 93.5% and graduates from the California Schools of Pharmacy perform slightly higher than graduates from outside of CA, 96.0% versus 94.8% and applicants with a PharmD degree also perform better on the NAPLEX than those with a BS degree, 94.4% versus 89.2%.

b. FOR INFORMATION: Licensing Statistics

Attachment 6

Provided in Attachment 6 is the licensing statistics for the first three quarters of the fiscal year. To date the board has received over 11,800 applications and issued over 10,700 licenses. The number of applications received decreased over 11% and the number of licenses issued decreased over 1% when compared to the same time periods last fiscal year. Please note March 2013 revenue received information is not available until after the development of this report. The board will include the information in subsequent reports once the information is available.

c. FOR INFORMATION: Third Quarterly Report on the Committee's Goals for 2012/13

Attachment 7

The third quarterly report on the Licensing Committee's goals is provided in Attachment 7.

As demonstrated in the quarterly update, the board is meeting the acceptance parameters for Success Indicators 2B – Review Initial Applications within 30 Working Days; 2C – Review Received Deficiency Items to Determine Application Completeness within Five Working Days of Receipt; and 2E – Update Information Changes to Licensing Records within Five Working Days.

The board is not meeting the acceptance parameters for Success Indicators 2A – Cashier All Revenue Received within Three Working Days or 2D – Issue Licenses within Three Working Days of Completed Application. In both of these success indicators, a majority of the work is completed within a time frame close to the specified indicators. For example, in Success Indicator 2A where the indicator is three days, 86% of the revenue is cashiered within four days. Additionally, in Success Indicator 2D where the indicator is three days, 68% of the licenses are issued within this time frame; however, a total 86% of licenses are issued within four days or less and 93% of licenses are issued within 5 days or less. The board is not meeting these two success indicators primarily due to staff vacancies.

FOR INFORMATION: Meeting Summary

Attachment 8

A copy of the meeting summary is provided in Attachment 8.

Attachment 1

Title 16. Board of Pharmacy Proposed Language

To Amend Section 1702 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1702. Pharmacist Renewal Requirements

(a) A pharmacist applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date ~~that occurs on or after December 7, 2010.~~

(1) A pharmacist shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the Board.

(2) A pharmacist applicant for renewal shall pay, as directed by the Board, the actual cost of compliance with subdivision (a).

(3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license, or for restoration of a retired license, an applicant shall comply with subdivision (a).

(4) The board may waive the requirements of this section for licensees who are actively serving in the United States military. The board may not return a license to active status until the licensee has complied with subdivision (a).

(b) As a condition of renewal, a pharmacist applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, during the preceding renewal cycle. ~~omitting traffic infractions under \$300 \$500 not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.~~

(c) As a condition of renewal, a pharmacist applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency.

(d) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license and shall issue the applicant an inactive pharmacist license. An inactive pharmacist license issued pursuant to this section may only be reactivated after compliance is confirmed for all licensure renewal requirements.

Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 490, 4036, 4200.5, 4207, 4301, 4301.5 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

To Add Section 1702.1 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1702.1 Pharmacy Technician Renewal Requirements

(a) A pharmacy technician applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete

a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date that occurs on or after July 1, 2014.

(1) A pharmacy technician shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the Board.

(2) A pharmacy technician applicant for renewal shall pay, as directed by the Board, the actual cost of compliance with subdivision (a).

(3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license an applicant shall comply with subdivision (a).

(4) The board may waive the requirements of this section for licensees who are actively serving in the United States military.

(b) As a condition of renewal, a pharmacy technician applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, during the preceding renewal cycle. Traffic infractions under \$500 not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.

(c) As a condition of renewal, a pharmacy technician applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency.

(d) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license.

Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 490, 4038, 4115, 4202, 4207, 4301, 4301.5 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

To Amend Section 1702.2 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1702. 2 Designated Representative Renewal Requirements

(a) A designated representative applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date that occurs on or after July 1, 2014.

(1) A designated representative shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the Board.

(2) A designated representative applicant for renewal shall pay, as directed by the Board, the actual cost of compliance with subdivision (a).

(3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license an applicant shall comply with subdivision (a).

(4) The board may waive the requirements of this section for licensees who are actively serving in the United States military.

(b) As a condition of renewal, a designated representative applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, during the preceding renewal cycles. Traffic infractions under \$500 not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.

(c) As a condition of renewal, a designated representative applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency.

(c) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license.

Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 490, 4022.5, 4053, 4207, 4301, 4301.5 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

Attachment 2

Title 16. Board of Pharmacy Proposed Language

To Amend Section 1702 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1709. Names of Owners and Pharmacist in Charge, Renewal Requirements.

(a) Each permit to operate a pharmacy shall show the name and address of the pharmacy, the form of ownership (individual, partnership or corporation) and the pharmacist-in-charge. Each pharmacy shall, in its initial application on the annual renewal form, report the name of the pharmacist-in-charge, the names of all owners and the names of the corporate officers (if a corporation). Any changes in the pharmacist-in-charge, or the owners, or corporate officers shall be reported to the Board within 30 days.

(1) Any license issued to operate a pharmacy as authorized in Business and Professions Code Section 4112, shall also report any disciplinary action taken by any government agency since the last renewal of the license.

(b) Any transfer, in a single transaction or in a series of transactions, of 10 percent or more of the beneficial interest in a business entity licensed by the board to a person or entity who did not hold a beneficial interest at the time the original permit was issued, shall require written notification to the board within 30 days.

(c) The following shall constitute a transfer of permit and require application for a change of ownership: any transfer of a beneficial interest in a business entity licensed by the board, in a single transaction or in a series of transactions, to any person or entity, which transfer results in the transferee's holding 50% or more of the beneficial interest in that license.

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4058, 4101, 4111, 4112, 4113, 4120, 4124, 4130, 4133, 4141, 4149, 4160, 4161, 4196, 4201, 4304, 4305 and 4330, Business and Professions Code

1785. Disclosure of Discipline, Renewal.

Any license issued to operate a nonresident wholesaler shall report any disciplinary action by any government agency since the last renewal of the license. Failure to provide information required by this section renders the application for renewal incomplete and the board shall not renew the license.

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4161, 4300, 4301, Business and Professions Code

Attachment 3

4053. Designated Representative to Supervise Wholesaler or Veterinary Food-Animal Drug Retailer

(a) Notwithstanding Section 4051, the board may issue a license as a designated representative to provide sufficient and qualified supervision in a wholesaler or veterinary food-animal drug retailer. The designated representative shall protect the public health and safety in the handling, storage, and shipment of dangerous drugs and dangerous devices in the wholesaler or veterinary food-animal drug retailer.

(b) An individual may apply for a designated representative license. In order to obtain and maintain that license, the individual shall meet all of the following requirements:

(1) He or she is at least 18 years of age and shall be a high school graduate or possess a general education development certificate equivalent.

(2) He or she shall have a minimum of one year of paid work experience in a licensed pharmacy, drug wholesaler, drug distributor or drug manufacturer, in the past three years, related to the distribution or dispensing of dangerous drugs or dangerous devices ~~or meet all of the prerequisites to take the examination required for licensure as a pharmacist by the board.~~

(3) He or she shall complete a training program approved by the board that, at a minimum, addresses each of the following subjects:

(A) Knowledge and understanding of California law and federal law relating to the distribution of dangerous drugs and dangerous devices.

(B) Knowledge and understanding of California law and federal law relating to the distribution of controlled substances.

(C) Knowledge and understanding of quality control systems.

(D) Knowledge and understanding of the United States Pharmacopoeia standards relating to the safe storage and handling of drugs.

(E) Knowledge and understanding of prescription terminology, abbreviations, dosages and format.

(4) An individual that satisfies all of the prerequisite requirements to take the pharmacist licensure examination is exempt from the requirements of paragraphs (2) and (3).

~~(4)~~ (5) The board may, by regulation, require training programs to include additional material.

~~(5)~~ (6) The board may not issue a license as a designated representative until the applicant provides proof of completion of the required training to the board.

(c) The veterinary food-animal drug retailer or wholesaler shall not operate without a pharmacist or a designated representative on its premises.

(d) Only a pharmacist or a designated representative shall prepare and affix the label to veterinary food-animal drugs.

(e) Section 4051 shall not apply to any laboratory licensed under Section 351 of Title III of the Public Health Service Act (Public Law 78-410).

Attachment 4

Discipline of Pharmacy Technicians and License Denials

	Pharmacy Technicians			Pharmacists		
	2009/10	2010/11	2011/12	2009/10	2010/11	2011/12
Number of Applications Received	11,566	10,790	9,522	2,341	2,417	2,571
Number of Licenses Issued	11,499	8,312	10,205	1,421	1,510	1,609
Number of Licensees	64,888	67,383	70,280	35,079	36,146	37,095

Applicants	Pharmacy Technicians			Pharmacists		
	2010	2011	2012	2010	2011	2012
Application Denials	102	111	111	5	5	4
Appeals of Denials	23	71	53	4	9	3
Pending Appeals of Denials	42	76	91	5	9	6

Denials Affirmed

Default Decision	2	2	8	0	0	1
Proposed Decision	4	5	11	0	0	2
Total	6	7	19	0	0	3

Probation

Stipulated Settlement	2	9	14	2	3	1
Proposed Decision	0	5	3	0	0	0
Total	2	14	17	2	3	1

Denials Dismissed	0	0	0	0	0	0
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License Discipline	Pharmacy Technicians			Pharmacists		
	2010	2011	2012	2010	2011	2012
Referred to AG	220	138	165	81	50	43
Accusations Filed	154	157	107	41	46	26
Pending Cases	279	207	202	82	78	60

	Pharmacy Technicians			Pharmacists		
	2010	2011	2012	2010	2011	2012
Revocation						
Default Decision	94	95	81	1	6	4
Stipulated Settlement	4	2	3	4	0	2
Proposed Decision	6	16	16	1	2	3
Total	104	113	100	6	8	9
Voluntary Surrender	34	29	26	8	5	13
Probation (Revocation Stayed)						
Stipulated Settlement	9	20	16	28	33	43
Proposed Decision	1	6	4	1	1	1
Total	10	26	20	29	34	44
Public Reprimand						
Stipulated Settlement	0	0	1	0	1	1
Proposed Decision	1	0	0	0	0	0
Total	1	0	1	0	1	1
Dismissal						
Stipulated Settlement	0	0	0	0	0	0
Proposed Decision	0	1	0	0	0	0
Total	0	1	0	0	0	0

Petitions to Revoke Probation

Probationers Referred to AG	11	3	11	7	5	3
Petitions to Revoke Probation Filed	12	4	8	10	5	3
Cases Pending	8	3	10	5	5	6

Revocation

Default Decision	4	6	2	1	2	0
Proposed Decision	0	2	0	1	2	1
Stipulated Settlement	0	0	0	0	1	0
Total	4	8	2	2	5	1
Voluntary Surrender	0	0	0	3	0	1

Probation (Revocation Stayed)

Stipulated Settlement	0	0	0	0	0	0
Proposed Decision	0	0	0	0	0	0
Total	0	0	0	0	0	0
Licenses Surrendered while on Probation	n/a	12	13	n/a	6	7

Attachment 5

California State Board of Pharmacy
CPJE Statistics 10/1/12 – 3/31/13

The charts below display data for all candidates who took the CPJE examination between 10/1/12 – 3/31/13, inclusive.

The board also displays NAPLEX scores associated with any candidate who took the CPJE during this six-month period and was reported to the board, regardless of when the NAPLEX may have been taken (it could have occurred outside the six-month reporting period noted above). Typically, the board reports CPJE performance data at six-month intervals.

Overall Pass Rates

CPJE

		Frequency	Percent
	F	205	35.7
	P	370	64.3
	Total	575	100.0

NAPLEX

		Frequency	Percent
	F	35	6.5
	P	506	93.5
	Total	541	100.0

Location of School

CPJE

			CPJE		CPJE Total	NAPLEX		NAPLEX Total
			Fail	Pass		Fail	Pass	
School	California	Count	27	73	100	4	96	100
		%	27.0	73.0	100.0	4.0	96.0	100.0
	Other US	Count	125	231	356	17	313	330
		%	35.1	64.9	100.0	5.2	94.8	100.0
	Foreign	Count	52	66	118	13	97	110
		%	44.1	55.9	100.0	11.8	88.2	100.0
	Unclassified	Count	1	0	1	1	0	1
			100.0	0.0	100.0	100.0	0.0	100.0
Total	Count	205	370	575	35	506	541	
		35.7	64.3	100.0	6.5	93.5	100.0	

Gender

			CPJE pass fail status		CPJE Total	NAPLEX pass fail status		NAPLEX Total
			Fail	Pass		Fail	Pass	
gender	F	Count	108	227	335	18	300	318
		%	32.2	67.8	100.0	5.7	94.3	100.0
	M	Count	97	143	240	17	206	223
		%	40.4	59.6	100.0	7.6	92.4	100.0
Total		Count within PF	205	370	575	35	506	541
			35.7	64.3	100.0	6.5	93.5	100.0

Degree

			CPJE pass fail status		CPJE Total	NAPLEX pass fail status		NAPLEX Total
			Fail	Pass		Fail	Pass	
degree awarded	BS Pharmacy	Count	52	51	103	10	83	93
		%	50.5	49.5	100.0	10.8	89.2	100.0
	Pharm D.	Count	153	319	472	25	423	448
		%	32.4	67.6	100.0	5.6	94.4	100.0
Total		Count	205	370	575	35	506	541
		%	35.7	64.3	100.0	6.5	93.5	100.0

California Schools

			CPJE pass fail status		CPJE Total	NAPLEX pass fail status		NAPLEX Total
			Fail	Pass		Fail	Pass	
school	UCSF	Count	1	6	7	0	7	7
		%	14.3	85.7	100.0	0.0	100.0	100.0
	UOP	Count	11	20	31	1	30	31
		%	35.5	64.5	100.0	3.2	96.8	100.0
	USC	Count	3	6	9	1	8	9
		%	33.3	66.7	100.0	11.1	88.9	100.0
	Western	Count	1	10	11	0	11	11
		%	9.1	90.9	100.0	0.0	100.0	100.0
	Loma Linda	Count	4	9	13	1	12	13
		%	30.8	69.2	100.0	7.7	92.3	100.0
	UCSD	Count	1	6	7	0	7	7
		%	14.3	85.7	100.0	0.0	100.0	100.0
	Touro	Count	3	10	13	1	12	13
		%	23.1	76.9	100.0	7.7	92.3	100.0
	Cal Northstate	Count	3	6	9	0	9	9
		%	33.3	66.7	100.0	0.0	100.0	100.0
Total	Count	27	73	100	4	96	100	
	%	27.0	73.0	100.0	4.0	96.0	100.0	

US Schools of Pharmacy

	CPJE pass fail status		Total
	F	P	
Auburn	0	3	3
Samford	2	0	2
U of AZ	1	2	3
U of AR	1	1	2
UCSF	1	6	7
U of Pacific	11	20	31
USC	3	6	9
U of CO	3	5	8
U of Conn	0	1	1
Howard DC	1	1	2
U of FL	4	2	6
Mercer	1	2	3
U of GA	1	2	3
Idaho SU	1	3	4
U of IL Chi	2	6	8
Purdue	2	3	5
Drake	0	2	2
U of IA	3	4	7
U of KS	0	1	1
NE LA U	1	0	1
Xavier	2	1	3
U of MD	4	5	9
MA Col Pharm	7	22	29
NE-MA	2	3	5
Ferris	3	2	5
U of MI	1	4	5
Wayne SU	2	1	3
U of MN	1	3	4
St. Louis Col of PH	1	1	2
U of MT	0	2	2
Creighton	0	2	2
Rutgers	1	5	6
U of NM	0	3	3
Western	1	10	11
Midwestern U Chicago	1	1	2
A&M Schwartz	2	3	5
St. Johns	1	2	3

	CPJE pass fail status		Total
	F	P	
SUNY-Buff	0	2	2
Union U	0	1	1
UNC	1	1	2
OH Nrthrn U	3	2	5
OH State U	1	2	3
U of Cinn	0	1	1
U of Toledo	0	3	3
SW OK State	1	1	2
U of OK	1	1	2
OR State U	0	3	3
Duquesne	2	5	7
PhI C of Pharm	3	2	5
Temple	4	1	5
U of Pitt	1	0	1
U of RI	0	3	3
U of SC	1	2	3
U of TN	2	1	3
TX SO U	1	1	2
U of TX	0	3	3
U of UT	2	1	3
Med C of VA	1	3	4
U of WA	2	2	4
WA State U	2	7	9
WV U	1	1	2
U of WI-Mad	0	2	2
U of WY	0	2	2
Nova Southeastern	3	2	5
Wilkes University	1	1	2
Texas Tech	1	3	4
Bernard J Dunn	0	3	3
Midwestern AZ	7	12	19
Nevada College of Pharm	7	22	29
Loma Linda U	4	9	13
UCSD	1	6	7
Palm Beach Atlantic University	0	4	4

	CPJE pass fail status		Total
	F	P	
Lake Erie Col	0	4	4
Touro U	3	10	13
U of Charleston	1	2	3
U of Appalachia	0	1	1
South U School of Pharm	4	1	5
Pac U of Or	4	7	11
Wingate U	1	0	1
U of Findlay	2	2	4
U of Incarnate Word	1	0	1
Sullivan U	6	2	8
Cal Northstate	3	6	9

	CPJE pass fail status		Total
	F	P	
Unclassified	1	0	1
Other/FG	52	66	118
U of HI - Hilo	4	7	11
NE Ohio Universities	1	0	1
Thomas Jefferson U	0	4	4
Harding U	1	0	1
Appalachian College of Pharm	1	1	2
Chicago St U	0	2	2
Total	205	370	575

Country

	CPJE pass fail status		Total
	F	P	
Armenia	0	1	1
Australia/Ashmore/Coral Sea Is/Cartier Is	0	1	1
Brazil	1	2	3
Byelorussian SSR	1	0	1
Canada	2	1	3
Switzerland	0	1	1
China	1	0	1
E&W Germany	0	1	1
Egypt	8	9	17
France	0	1	1
United Kingdom	1	3	4
India	9	14	23
Iraq	0	1	1
Iran	2	2	4
Jordan	4	3	7
S. Korea	1	2	3
Nigeria/New Guinea	0	3	3
Philippines	13	10	23
Romania	0	1	1
RS	0	1	1
Sweden	1	0	1
Serbia	1	0	1
Syria	0	2	2
USA	159	310	469
South Africa	1	1	2
Total	205	370	575

Attachment 6

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
I. APPLICATIONS													
A. Received													
Pharmacist (exam applications)	103	132	114	103	82	102	81	93	81				891
Pharmacist (initial licensing applications)	313	636	179	201	89	70	18	80	62				1648
Intern pharmacist	37	568	234	209	163	57	133	143	79				1623
Pharmacy technician	731	841	543	804	707	535	699	726	680				6266
Pharmacy	42	40	34	34	30	20	20	160	29				409
Pharmacy Exempt	0	0	0	0	9	0	0	0	0				9
Pharmacy - Temp	9	9	13	10	0	4	4	136	7				192
Sterile Compounding	6	9	8	2	9	4	4	5	3				50
Sterile Compounding - Exempt	0	0	0	0	0	0	0	0	0				0
Sterile Compounding - Temp	2	0	2	2	4	2	1	0	0				13
Nonresident Sterile Compounding	0	1	1	3	1	3	1	2	3				15
Clinics	1	7	4	6	7	12	17	9	11				74
Clinics Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals	0	2	4	2	0	0	0	7	2				17
Hospitals Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals - Temp	0	0	0	0	0	0	0	0	0				0
Drug Room	0	0	0	0	0	0	0	0	0				0
Drug Room Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Pharmacy	3	8	9	4	7	4	16	17	9				77
Nonresident Pharmacy - Temp	2	2	1	0	4	0	6	2	0				17
Licensed Correctional Facility	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes	3	4	1	4	0	2	2	1	0				17
Hypodermic Needle and Syringes Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	7	10	12	9	8	8	2	13	8				77
Nonresident Wholesalers - Temp	0	0	0	0	1	0	0	4	0				5
Wholesalers	5	5	8	6	2	8	2	29	3				68
Wholesalers Exempt	0	0	0	0	0	0	0	0	0				0
Wholesalers - Temp	3	0	1	1	0	2	1	6	0				14
Veterinary Food-Animal Drug Retailer	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer - Temp	0	0	0	0	0	0	0	0	0				0
Designated Representatives	29	36	37	51	26	36	24	55	58				352
Designated Representatives Vet	2	0	0	0	0	0	0	0	0				2
Centralized Hospital Packaging	n/a	n/a	n/a	n/a	n/a	n/a	1	1	0				2
Total	1298	2310	1205	1451	1149	869	1032	1489	1035	0	0	0	11838

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

I. APPLICATIONS (continued)	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
B. Issued													
Pharmacist	306	598	92	318	93	72	21	19	113				1632
Intern pharmacist	19	104	422	328	265	33	0	92	110				1373
Pharmacy technician	617	778	820	742	848	795	635	718	720				6673
Pharmacy	34	29	37	36	28	36	14	15	149				378
Pharmacy - Exempt	0	1	1	0	0	0	0	0	2				4
Pharmacy - Temp	0	1	0	0	0	0	0	0	0				1
Sterile Compounding	5	1	5	6	1	3	2	2	5				30
Sterile Compounding - Exempt	0	0	0	0	0	1	0	0	0				1
Sterile Compounding - Temp	0	0	0	0	0	0	0	0	0				0
Nonresident Sterile Compounding	5	0	0	0	3	1	2	0	2				13
Clinics	16	6	1	2	7	4	1	13	18				68
Clinics Exempt	0	1	0	0	1	0	0	2	3				7
Hospitals	1	1	1	2	1	2	1	0	0				9
Hospitals Exempt	1	0	0	0	0	0	0	0	0				1
Hospitals - Temp	0	0	0	0	0	0	0	0	0				0
Drug Room	0	0	0	0	1	0	0	0	0				1
Drug Room Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Pharmacy	49	6	2	1	10	11	7	2	5				93
Nonresident Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Licensed Correctional Facility	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes	4	3	3	0	2	1	2	1	0				16
Hypodermic Needle and Syringes Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	16	17	6	9	13	6	9	8	4				88
Nonresident Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Wholesalers	5	25	3	6	6	7	4	5	4				65
Wholesalers Exempt	0	0	1	0	0	0	0	0	0				1
Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer	0	6	0	0	0	0	0	0	0				6
Veterinary Food-Animal Drug Retailer - Temp	0	0	0	0	0	0	0	0	0				0
Designated Representatives	31	23	33	29	48	28	42	24	28				286
Designated Representatives Vet	1	0	0	0	0	0	0	0	0				1
Centralized Hospital Packaging	n/a	n/a	n/a	n/a	n/a	n/a	0	0	0				0
Total	1110	1600	1427	1479	1327	1000	740	901	1163	0	0	0	10747

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

I. APPLICATIONS (continued)	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
C. Pending													
Pharmacist (exam applications)	0	479	533	510	504	459	404	423	415				0
Pharmacist (eligible)	685	1099	1012	758	713	673	662	710	640				0
Intern pharmacist	0	564	362	182	114	132	143	235	196				0
Pharmacy technician	0	2683	2382	2297	2237	1890	1506	1851	1739				0
Pharmacy	0	150	144	138	138	116	114	257	140				0
Pharmacy - Exempt	0	1	0	0	0	0	1	3	1				0
Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Sterile Compounding	0	26	28	23	30	30	26	30	29				0
Sterile Compounding - Exempt	0	1	1	1	1	0	0	0	0				0
Sterile Compounding - Temp	0	0	0	0	0	0	0	0	0				0
Nonresident Sterile Compounding	0	10	11	17	15	17	15	17	18				0
Clinics	0	14	13	15	15	23	32	36	30				0
Clinics - Exempt	0	7	8	9	8	8	4	13	10				0
Hospitals	0	5	5	7	6	4	3	3	10				0
Hospitals - Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals - Temp	0	0	0	0	0	0	0	0	0				0
Drug Room	0	0	0	1	0	0	0	0	0				0
Drug Room - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Pharmacy	0	62	69	71	69	62	70	84	87				0
Nonresident Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Licensed Correctional Facility	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes	0	16	13	17	15	16	16	16	16				0
Hypodermic Needle and Syringes - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	0	80	88	81	75	79	64	72	79				0
Nonresident Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Wholesalers	0	60	65	65	60	61	49	75	74				0
Wholesalers - Exempt	0	2	1	1	1	1	3	3	3				0
Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer	0	2	2	2	2	2	2	2	2				0
Veterinary Food-Animal Drug Retailer - Temp	0	0	0	0	0	0	0	0	0				0
Designated Representatives	0	141	141	114	112	119	68	107	137				0
Designated Representatives Vet	0	3	3	3	3	3	1	1	1				0
Centralized Hospital Packaging	n/a	n/a	n/a	n/a	n/a	n/a	2	0	0				2
Total	685	5405	4881	4312	4118	3695	3185	3938	3627	0	0	0	0

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

I. APPLICATIONS (continued)	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
D. Withdrawn													
Pharmacist (exam applications)	1	0	1	1	1	41	30	0	10				85
Pharmacist (eligible)	0	0	0	0	0	0	0	0	0				0
Intern pharmacist	0	1	0	0	17	0	1	1	0				20
Pharmacy technician	49	9	20	17	11	90	22	9	46				273
Pharmacy	0	0	0	3	2	0	1	0	0				6
Pharmacy - Exempt	0	0	0	0	0	0	0	0	0				0
Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Sterile Compounding	0	0	0	0	0	0	0	0	0				0
Sterile Compounding - Exempt	0	0	0	0	0	0	0	0	0				0
Sterile Compounding - Temp	0	0	0	0	0	0	0	0	0				0
Nonresident Sterile Compounding	0	0	0	0	0	0	0	0	0				0
Clinics	0	0	0	0	0	0	0	0	0				0
Clinics - Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals	0	0	0	0	0	0	0	0	0				0
Hospitals - Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals - Temp	0	0	0	0	0	0	0	0	0				0
Drug Room	0	0	0	0	0	0	0	0	0				0
Drug Room - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Pharmacy	0	0	0	0	0	0	0	0	0				0
Nonresident Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Licensed Correctional Facility	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	16	2	0	7	0	0	3	1	0				29
Nonresident Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Wholesalers	8	0	1	0	0	0	3	0	0				12
Wholesalers - Exempt	0	0	0	0	0	0	0	0	0				0
Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer - Temp	0	0	0	0	0	0	0	0	0				0
Designated Representatives	12	17	1	17	0	0	24	1	1				73
Designated Representatives Vet	0	0	0	0	0	0	2	0	0				2
Centralized Hospital Packaging	n/a	n/a	n/a	n/a	n/a	n/a	0	0	0				0
Total	86	29	23	45	31	131	86	12	57	0	0	0	500

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

I. APPLICATIONS (continued)	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
E. Denied													
Pharmacist (exam applications)	3	1	0	0	1	0	0	0	0				5
Pharmacist (eligible)	0	0	0	0	0	0	0	1	1				2
Intern pharmacist	1	0	1	0	0	0	1	0	0				3
Pharmacy technician	21	7	5	5	8	1	14	0	15				76
Pharmacy	0	0	1	1	1	2	2	0	2				9
Pharmacy - Exempt	0	0	0	0	0	0	0	0	0				0
Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Sterile Compounding	0	0	0	0	0	0	0	0	0				0
Sterile Compounding - Exempt	0	0	0	0	0	0	0	0	0				0
Sterile Compounding - Temp	0	0	0	0	0	0	0	0	0				0
Nonresident Sterile Compounding	0	0	0	0	0	0	0	0	0				0
Clinics	0	0	0	0	0	0	0	0	0				0
Clinics - Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals	0	0	0	0	0	0	0	0	0				0
Hospitals - Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals - Temp	0	0	0	0	0	0	0	0	0				0
Drug Room	0	0	0	0	0	0	0	0	0				0
Drug Room - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Pharmacy	0	1	0	0	0	0	0	0	0				1
Nonresident Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Licensed Correctional Facility	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	0	0	0	0	1	0	1	0	0				2
Nonresident Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Wholesalers	0	0	0	0	0	0	1	0	0				1
Wholesalers - Exempt	0	0	0	0	0	0	0	0	0				0
Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer - Temp	0	0	0	0	0	0	0	0	0				0
Designated Representatives	0	0	0	0	0	0	0	0	0				0
Designated Representatives Vet	0	0	0	0	0	0	0	0	0				0
Centralized Hospital Packaging	0	0	0	0	0	0	0	0	0				0
Total	25	9	7	6	11	3	19	1	18	0	0	0	99

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

II. RESPOND TO STATUS REQUESTS

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
A. E-mail status requests and inquiries													
Pharmacist/Intern	542	621	58	81	184	173	639	344	294				2936
Pharmacy Technicians	606	672	87	391	360	160	372	297	360				3305
Site Licenses (pharmacy, clinic)	275	712	566	393	464	400	500	353	482				4145
Site Licenses (wholesalers)	277	203	107	274	189	175	331	258	425				2239
Pharmacist-in-Charge	122	98	86	44	172	68	74	144	172				980
Renewals	93	569	54	92	63	88	137	113	76				1285
B. Telephone status requests and inquiries													
Site Licenses (pharmacy, clinic)	132	348	185	181	236	229	208	205	209				1933
Site Licenses (wholesalers)	17	112	59	115	92	98	132	114	137				876
Pharmacist-in-Charge	31	51	22	55	82	24	34	35	41				375
Renewals	334	502	387	438	441	393	480	856	691				4522

III. UPDATE LICENSING RECORDS

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN*	FYTD
A. Change of Pharmacist-in-Charge***													
Received	98	158	120	151	97	140	108	92	87				1051
Processed	6	18	17	29	9	24	18	93	94				308
Pending	92	232	335	457	545	661	751	750	743				0
B. Change of Exemptee-in-Charge***													
Received	6	16	20	21	17	7	19	9	16				131
Processed	8	7	20	0	1	0	10	8	8				62
Pending	151	160	176	197	213	220	229	230	238				0
C. Change of Permits													
Received	57	86	82	68	52	90	59	66	39				599
Processed	6	124	113	17	7	98	5	26	15				411
Pending	269	231	200	251	296	288	342	382	406				0
D. Discontinuance of Business***													
Received	3	11	43	25	20	25	16	10	23				176
Processed	0	0	4	19	57	21	8	29	14				152
Pending	200	211	250	256	219	223	231	212	221				0
E Requests processed													
Address/Name Changes	801	1087	1057	1020	886	826	1106	764	1242				8789
Off-site storage	31			30			31						92
Transfer of intern hours to other states	8	14	7	1	4	0	4	5	1				44

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

IV. AVERAGE PROCESSING TIMES

A. Average days to process initial applications

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Pharmacist (exam application)	9	8	5	8	8	8	8	9	8			
Pharmacy Intern	8	13	10	4	4	6	12	12	9			
Pharmacy Technician	36	41	39	36	35	29	27	20	18			
Pharmacies	16	26	19	20	11	24	38	33	20			
Non-Resident Pharmacies	16	26	19	20	11	24	38	33	20			
Wholesaler	16	26	19	20	11	24	38	33	20			
Veterinary Drug Retailers	16	26	19	20	11	24	38	33	20			
Designated Representatives	16	26	19	20	11	24	38	33	20			
Out-of-State Distributors	16	26	19	20	11	24	38	33	20			
Clinics	16	26	19	20	11	24	38	33	20			
Hypodermic Needle & Syringe Distributors	16	26	19	20	11	24	38	33	20			
Sterile Compounding	16	26	19	20	11	24	38	33	20			
Change of Permit	26	38	20	36	34	32	23	30	32			
Change of Pharmacist-in-Charge	16	12	3	8	5	6	4	10	9			
Change of Designated Representative-in-Charge	14	12	2	10	4	4	5	9	11			
Discontinuance of Business	29	52	70	91	6	12	5	10	4			

B. Average days to process deficiency documents

Pharmacist (exam application)	3	3	3	3	3	2	4	4	3			
Pharmacy Intern	5	1	2	2	1	3	3	3	3			
Pharmacy Technician	3	3	3	2	2	2	2	2	2			
Pharmacies	12	12	12	8	8	8	5	8	7			
Non-Resident Pharmacies	12	12	12	8	8	8	5	8	7			
Wholesaler	12	12	12	8	8	8	5	8	7			
Veterinary Drug Retailers	12	12	12	8	8	8	5	8	7			
Designated Representatives	12	12	12	8	8	8	5	8	7			
Out-of-State Distributors	12	12	12	8	8	8	5	8	7			
Clinics	12	12	12	8	8	8	5	8	7			
Hypodermic Needle & Syringe Distributors	12	12	12	8	8	8	5	8	7			
Sterile Compounding	12	12	12	8	8	8	5	8	7			

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

IV. AVERAGE PROCESSING TIMES (cont.)

C. Average days to issue a license after all deficiencies are corrected

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Pharmacist (initial licensing)	2	2	3	3	2	4	2	3	3			
Pharmacy Intern	4	2	2	3	2	3	3	5	3			
Pharmacy Technician	3	3	3	4	3	4	3	3	3			
Pharmacies	7	7	18	7	9	8	14	14	3			
Non-Resident Pharmacies	7	7	18	7	9	8	14	14	3			
Wholesaler	7	7	18	7	9	8	14	14	3			
Veterinary Drug Retailers	7	7	18	7	9	8	14	14	3			
Designated Representatives	7	7	18	7	9	8	14	14	3			
Out-of-State Distributors	7	7	18	7	9	8	14	14	3			
Clinics	7	7	18	7	9	8	14	14	3			
Hypodermic Needle & Syringe Distributors	7	7	18	7	9	8	14	14	3			
Sterile Compounding	7	7	18	7	9	8	14	14	3			

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13


V. Revenue Received	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
A. Revenue Received													
Applications	170,967	312,867	172,234	204,801	167,881	139,821	134,821	252,261					\$1,555,653
Renewals	92,011	773,141	1,385,140	969,588	510,893	723,084	972,132	841,886					\$6,267,875
Cite and Fine	129,771	557,650	101,841	97,909	278,779	44,110	205,486	122,836					\$1,538,382
Probation/Cost Recovery	51,160	13,602	69,036	181,162	26,879	18,011	53,248	101,998					\$515,096
Request for Information/Lic. Verification	1,675	2,800	1,100	1,825	1,870	1,555	2,750	1,725					\$15,300
Fingerprint Fee	6,370	8,998	7,546	8,379	6,401	5,537	5,878	7,989					\$57,098
B. Renewals Received													
Pharmacist	1449	1603	1420	1571	1221	1410	1477	1243	1649				13043
Pharmacy technician	2261	2484	2333	2639	2146	2203	632	1985	2944				19627
Pharmacy	198	221	270	885	177	344	524	1077	207				3903
Pharmacy - Exempt	0	1	82	29	0	0	1	0	1				114
Sterile Compounding	12	20	11	62	19	18	14	11	13				180
Sterile Compounding - Exempt	0	0	0	6	0	0	0	0	0				6
Nonresident Sterile Compounding	1	8	13	0	3	4	1	4	5				39
Clinics	73	93	55	92	61	57	79	65	99				674
Clinics - Exempt	0	2	80	75	3	4	0	0	1				165
Hospitals	18	29	25	81	23	30	45	23	33				307
Hospitals - Exempt	0	2	66	20	6	0	1	0	0				95
Drug Room	0	0	0	0	2	1	2	3	4				12
Drug Room - Exempt	0	0	0	5	0	0	0	0	0				5
Nonresident Pharmacy	30	26	31	29	23	22	21	24	33				239
Licensed Correctional Facility	0	0	37	8	3	0	0	0	1				49
Hypodermic Needle and Syringes	20	18	20	25	19	28	18	14	27				189
Hypodermic Needle and Syringes - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	60	55	52	52	43	36	45	36	46				425
Wholesalers	33	53	36	41	25	25	36	35	37				321
Wholesalers - Exempt	0	0	6	1	0	2	0	0	0				9
Veterinary Food-Animal Drug Retailer	2	0	3	0	1	1	3	0	3				13
Designated Representatives	212	262	230	198	169	195	217	204	275				1962
Designated Representatives Vet	3	9	7	5	1	2	4	2	5				38
Total	4372	4886	4777	5824	3945	4382	3120	4726	5383	0	0	0	41415

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

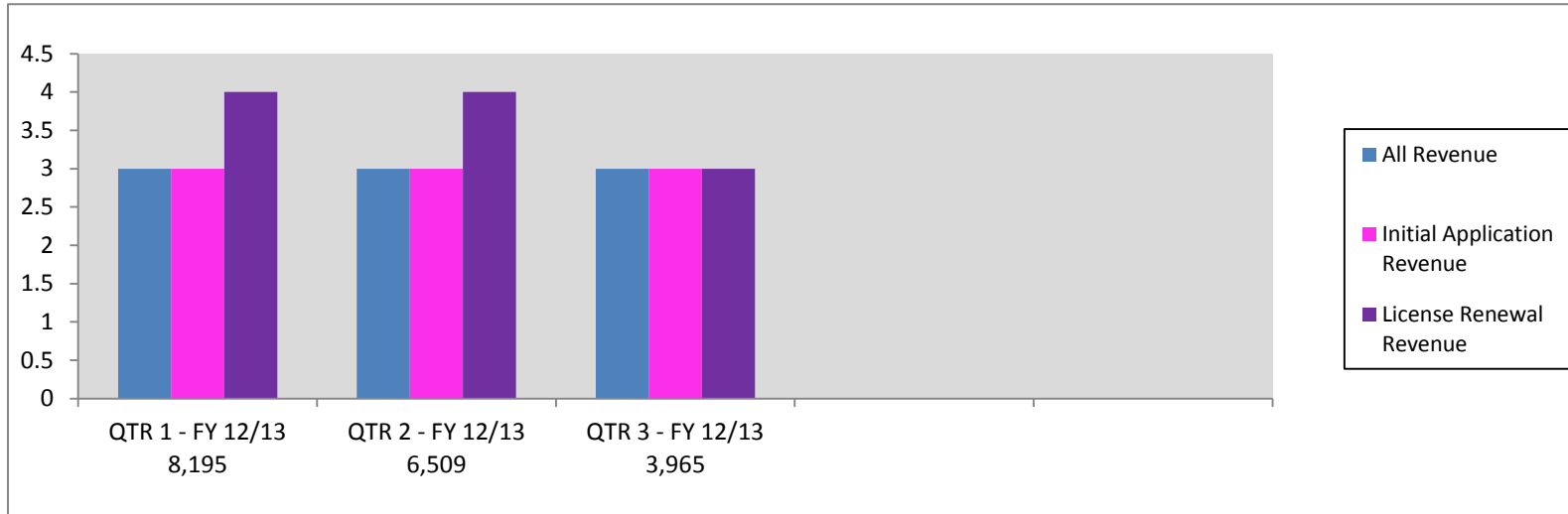
VI. Current Licensees	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Pharmacist	41370	41932	42190	42279	42356	42400	42401	42411	42490			
Intern	5665	5214	5506	5631	5708	5680	5713	5777	5823			
Pharmacy technician	72565	72551	72886	73052	73260	73516	73581	73717	73928			
Pharmacy	6176	6195	6231	6212	6215	6232	6238	6237	6252			
Pharmacy - Exempt	120	121	123	123	123	123	122	121	123			
Sterile Compounding	254	255	260	255	252	248	249	245	248			
Sterile Compounding - Exempt	26	26	26	24	24	25	25	25	25			
Nonresident Sterile Compounding	93	93	93	88	90	91	92	92	93			
Clinics	1092	1098	1098	1094	1099	1102	1102	1113	1128			
Clinics - Exempt	221	222	222	221	222	219	220	222	224			
Hospitals	401	402	403	403	401	402	402	401	402			
Hospitals - Exempt	90	90	89	89	88	88	88	88	88			
Drug Room	26	26	27	26	27	26	26	26	26			
Drug Room - Exempt	17	17	17	17	17	17	17	17	17			
Nonresident Pharmacy	463	467	468	464	466	473	481	478	482			
Licensed Correctional Facility	51	51	51	51	51	51	51	51	51			
Hypodermic Needle and Syringes	344	347	350	350	352	352	354	355	354			
Hypodermic Needle and Syringes - Exempt	1	1	1	1	1	1	1	1	1			
Nonresident Wholesalers	761	778	781	782	792	794	813	808	807			
Wholesalers	595	610	604	606	607	610	615	617	613			
Wholesalers - Exempt	11	11	12	12	12	12	12	12	12			
Veterinary Food-Animal Drug Retailer	27	27	27	27	27	25	27	27	27			
Designated Representatives	4506	4503	4549	4583	4608	4635	4673	4695	4732			
Designated Representatives Vet	93	95	95	95	95	95	95	95	95			
Total	134968	135132	136109	136485	136893	137217	137398	137631	138041	0	0	0

Attachment 7

Strategic Planning: Licensing

Success Indicators		Related Performance Measures	 Acceptance Parameters	Actual Percentage Green Light Status	Average Processing Time	Explanation
2A	Cashier all revenue received within 3 working days.	[EF]	<div>○ 90%</div> <div>○ 86%</div> <div>● 85%</div>	63%	3.26	Renewal process requires duplicative data entry into two data systems. Vacancy at reception area delays mail opening and increases cashiering time. * 86% cashiered within 4 days or less.
2B	Review intial applications within 30 working days.	[PC, EF]	<div>● 90%</div> <div>○ 86%</div> <div>○ 85%</div>	97%	18	
2C	Review received deficiency items to determine application completeness within 5 working days of receipt.	[PC, EF, RC]	<div>● 90%</div> <div>○ 86%</div> <div>○ 85%</div>	95%	2.03	*99% reviewed within 10 days or less.
2D	Issue licenses within 3 working days of completed application.	[PC, EF]	<div>○ 90%</div> <div>○ 86%</div> <div>● 85%</div>	68%	3.36	*93% issued within 5 days or less. *86% issued within 4 days or less.
2E	Update information changes to licensing records within 5 working days.	[EF]	<div>● 90%</div> <div>○ 86%</div> <div>○ 85%</div>	95%	2.94	

**2A. Cashier all revenue received three three working days.
(Reported with number of items cashiered.)**



All Revenue - Includes all revenue reported in License Renewal Revenue and Initial Application Revenue as well as the following revenue categories: citations and fines, pharmacist scholarship fund, fingerprint fees, dishonored checks, change of permits, license verifications, change of ownerships, change of pharmacist-in-charge, change of designated representative-in-charge, retired licenses, regrades for examinations, and temporary permits.

Initial Application Revenue - Includes initial applications for all license types.

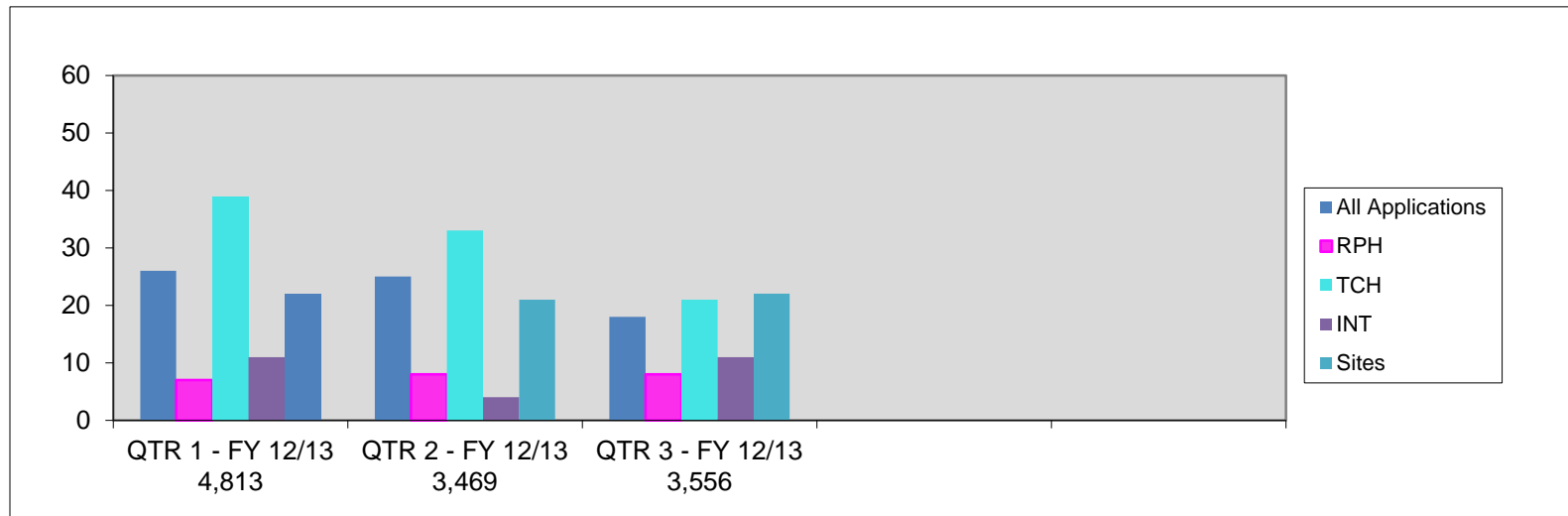
License Renewal Revenue - Includes all licensee renewal applications.

Notes:

Averages reported in working days excluding holidays.

2B. Review initial applications within 30 days.

(Reported with Number of All Application Types, Pharmacist Applications and Pharmacy Technician Applications Received)

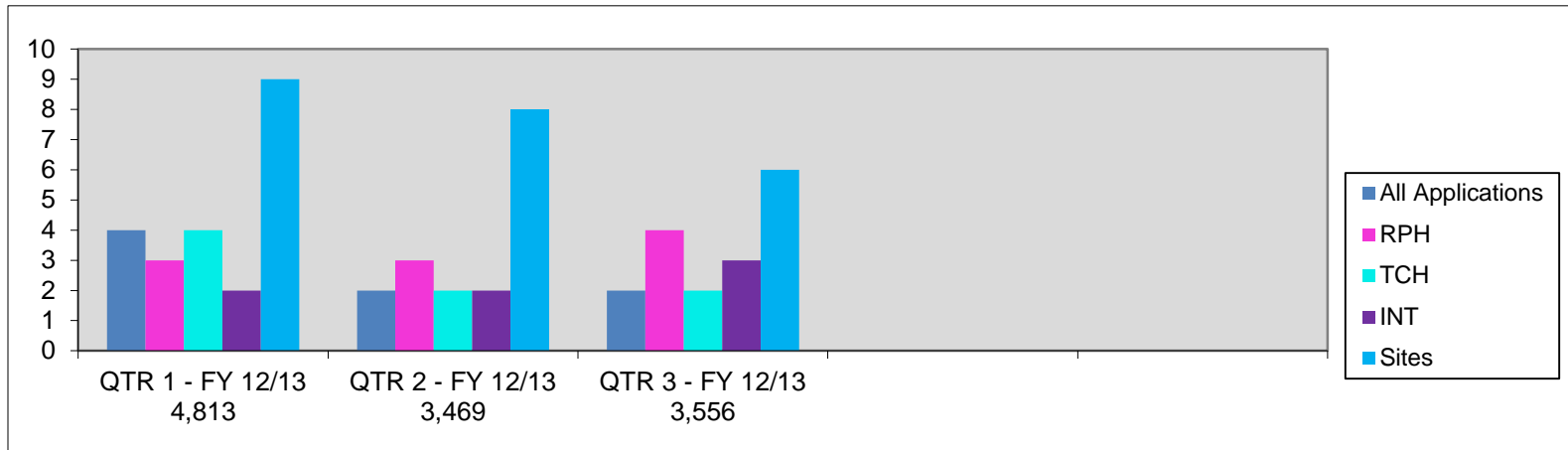


Notes:

Averages reported in working days excluding holidays.

Data does not include applicants where their application fee was paid by another entity.

**2C. Review deficiency items to determine a complete application within five working days of receipt.
(Reported with number of applications received)**



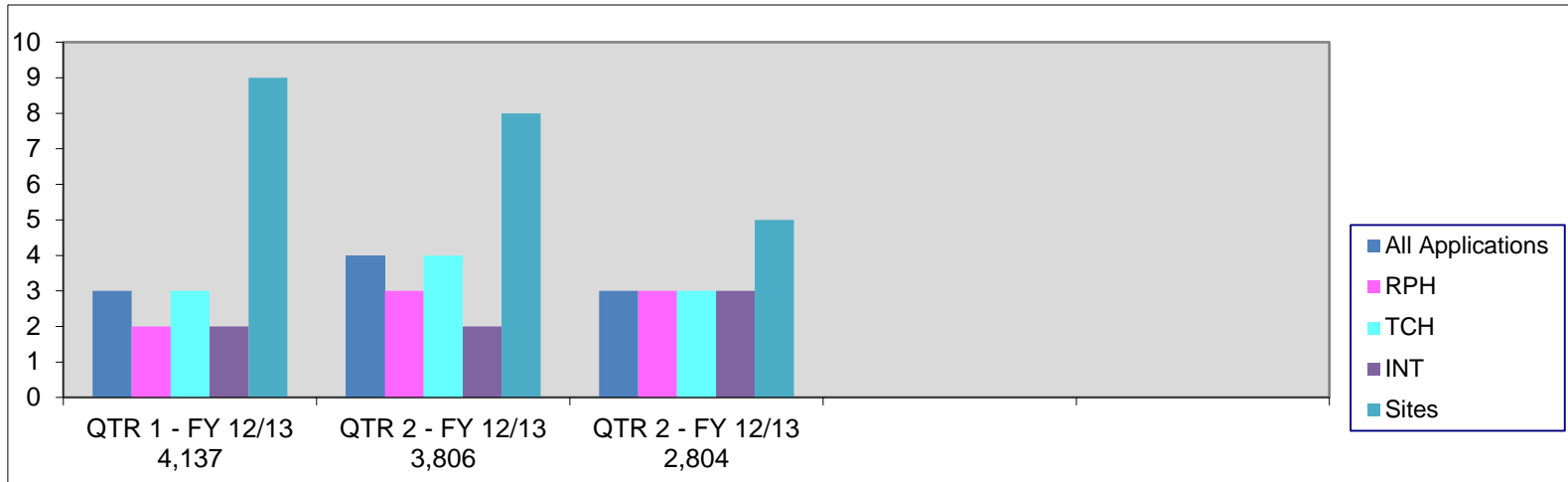
Notes:

Averages reported in working days excluding holidays.

Data does not include applicants where their application fee was paid by another entity.

Average issue time for site applications determined without inspection time.

**2D. Issue license within three working days of a complete application.
(Reported with number of licenses issued)**



Notes:

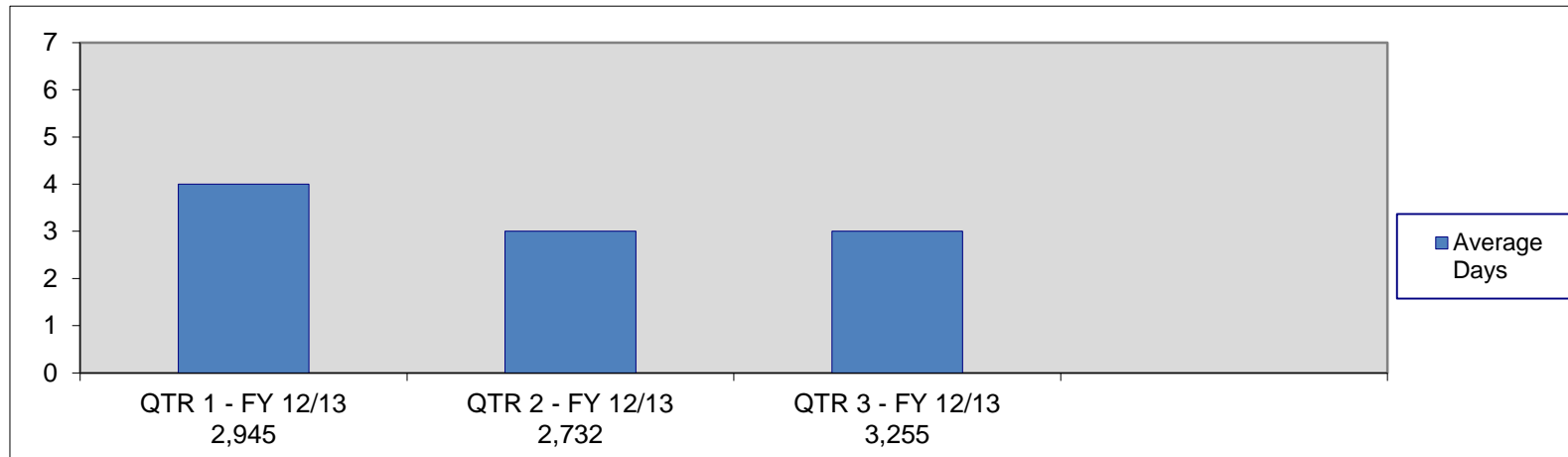
Averages reported in working days excluding holidays.

Data does not include applicants where their application fee was paid by another entity.

Average issue time for site applications determined without inspection time.

Site applications that have been determined to meet licensing requirements but have future opening dates will impact average processing times as they are issued closer to the opening date.

**2E. Update information changes to licensing records within five working days
(Reported by number of changes made)**



Notes:
Averages reported in working days.

Attachment 8



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

GOVERNOR EDMUND G. BROWN JR.

**STATE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
LICENSING COMMITTEE MEETING MINUTES**

DATE: April 12, 2013

LOCATION: Department of Consumer Affairs
Headquarters Building II
1625 N. Market Boulevard, Room 186
Sacramento, CA 95834

**COMMITTEE MEMBERS
PRESENT:**

Deborah Veale, RPh, Chair
Ryan Brooks, Public Member
Albert C.M. Wong, PharmD
Victor Law, RPh
Lavanza Butler,

**COMMITTEE MEMBERS
NOT PRESENT:**

Greg Lippe, Public Member

**STAFF
PRESENT:**

Virginia Herold, Executive Officer
Anne Sodergren, Assistant Executive Officer
Kristy Shellans, DCA Staff Counsel
Carolyn Klein, Administrative Manager
Debbie Damoth, Licensing Manager
Debi Mitchell, Licensing & Complaint Unit Manager
Laura Hendricks, Associate Analyst

Call to Order

Chair Deborah Veale called the meeting to order at 1:06p.m.

Chair Veale conducted a roll call. Board Members Ryan Brooks, Albert Wong, Victor Law, and Lavanza Butler were present.

Board President Stan Weisser was in attendance in the audience.

1. **Licensing Committee Meeting Dates for the Remainder of 2013: May 28, September 24 and December 11.**

Licensing Committee Meeting Minutes
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Chair Veale identified the remainder meeting dates for the Licensing Committee and directed members to place these dates in their calendars.

2. Staff Recommendations for Regulation Changes to Require or Standardize the Reporting of Convictions and Discipline at the Time of Renewal for Pharmacists, Pharmacy Technicians and Designated Representatives.

Relevant Statutes and Regulations

Business and Professions Code Section 4036 provides the definition for “pharmacist” and specifies that the holder of an unexpired and active pharmacist license is entitled to practice pharmacy as defined in pharmacy law.

Business and Professions Code Section 4022.5 provides the definition of “designated representative” and Business and Professions Code Section 4038 provides the definition of a pharmacy technician.

California Code of Regulations Section 1702 details the fingerprint and criminal conviction requirements that are currently required as a condition of renewal for a pharmacist.

Background

As part of the Consumer Protection Enforcement Initiative in 2008/2009, the board undertook review and evaluation of several areas of its enforcement and licensing functions to identify areas where the board could improve its ability to ensure it received or had access to information necessary to make appropriate licensing decisions as well as ensure it received relevant information to initiate investigations and take appropriate action to better protect consumers.

As part of this effort the board sought new regulatory authority to require fingerprinting of pharmacists that had not previously submitted fingerprints to the Department of Justice in an electronic format. To augment this effort, the board also sought to require as a condition of renewal, that a pharmacist also self-report any convictions. These changes took effect in December 2010. At the time the board adopted the changes, they requested that similar provisions be implemented for pharmacy technicians and designated representatives.

Staff Recommendations

Staff recommends the Licensing Committee members review and discuss the proposed language and recommend to the full board initiation of a follow-up regulation that will make changes to the existing pharmacist renewal as well as place similar renewal requirements on pharmacy technician and designative representatives. The proposed changes to the pharmacist renewal include:

- Disclosure of disciplinary action
- Removing reference to the implementation date
- Clarifying that disclosure of criminal conviction information and disciplinary action is for action taken since the last renewal of the license.

For the committee's reference, is the draft regulation language to facilitate both as well as an excerpt from the board meeting in October 2009.

Title 16. Board of Pharmacy

Licensing Committee Meeting Minutes
April 12, 2013

Proposed Language

To Amend Section 1702 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1702. Pharmacist Renewal Requirements

(a) A pharmacist applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date ~~that occurs on or after December 7, 2010.~~

(1) A pharmacist shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the Board.

(2) A pharmacist applicant for renewal shall pay, as directed by the Board, the actual cost of compliance with subdivision (a).

(3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license, or for restoration of a retired license, an applicant shall comply with subdivision (a).

(4) The board may waive the requirements of this section for licensees who are actively serving in the United States military. The board may not return a license to active status until the licensee has complied with subdivision (a).

(b) As a condition of renewal, a pharmacist applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, since the last renewal of the license. ~~omitting~~ Traffic infractions under ~~\$300~~ \$500 not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.

(c) As a condition of renewal, a pharmacist applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency since the last renewal of the license.

(d) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license and shall issue the applicant an inactive pharmacist license. An inactive pharmacist license issued pursuant to this section may only be reactivated after compliance is confirmed for all licensure renewal requirements.

Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 490, 4036, 4200.5, 4207, 4301, 4301.5 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

To Add Section 1702.1 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1702. 1 Pharmacy Technician Renewal Requirements

(a) A pharmacy technician applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through

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the Department of Justice by the licensee's or registrant's renewal date that occurs on or after July 1, 2014.

(1) A pharmacy technician shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the Board.

(2) A pharmacy technician applicant for renewal shall pay, as directed by the Board, the actual cost of compliance with subdivision (a).

(3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license an applicant shall comply with subdivision (a).

(4) The board may waive the requirements of this section for licensees who are actively serving in the United States military.

(b) As a condition of renewal, a pharmacy technician applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, since the last renewal of the license. Traffic infractions under \$500 not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.

(c) As a condition of renewal, a pharmacy technician applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency since the last renewal of the license.

(d) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license.

Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 490, 4038, 4115, 4202, 4207, 4301, 4301.5 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

To Amend Section 1702.2 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1702. 2 Designated Representative Renewal Requirements

(a) A designated representative applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date that occurs on or after July 1, 2014.

(1) A designated representative shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the Board.

(2) A designated representative applicant for renewal shall pay, as directed by the Board, the actual cost of compliance with subdivision (a).

(3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license an applicant shall comply with subdivision (a).

(4) The board may waive the requirements of this section for licensees who are actively serving in the United States military.

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(b) As a condition of renewal, a designated representative applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, since the last renewal of the license. Traffic infractions under \$500 not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.

(c) As a condition of renewal, a designated representative applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency since the last renewal of the license.

(c) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license.

Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 490, 4022.5, 4053, 4207, 4301, 4301.5 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

Discussion

Chair Veale referenced the language provided in the meeting materials and then asked if members had any questions or concerns. Ryan Brooks supports staff's proposals. He requested clarity about the types of arrest and convictions that need to be reported (e.g. arrests that are expunged).

Anne Sodergren provided clarification on the board's authority to request all criminal background information. She explained there is language in the applications that explains to applicants the type of criminal conviction and disciplinary action being requested. Ms. Sodergren will research if this same type of language could be included on the renewal application to further clarify the type of criminal and disciplinary action the board is requesting.

Kristy Shellans, expressed her concerns the impact this will have on Department of Justice and the possible fiscal impact this will have on the board. Ms. Sodergren explained the number of licensed pharmacy technicians and designated representatives that will need to be fingerprinted again is not as large as the number of pharmacist that recently had to be fingerprinted as a condition of renewal and indicated the board will absorb the fiscal impact as it should be minimal.

Action Item

Chair Veale directed staff to determine the number of pharmacy technicians and designated representatives that will require retro fingerprinting and to provide information relating to the cost associated, if any to the board at the next Licensing Committee Meeting.

Staff will refine the language and pull the stats on the number of licensees that will be required to do this to assess the economic impact.

3. Staff Recommendation for Regulation Changes to Require Site Licenses to Report Disciplinary Actions by Other Entities at Time of Renewal.

Relevant Statutes and Regulations

Business and Professions Code Section 4112 provides for the regulation of a pharmacy located outside of California that ships, mails, or delivers, in any matter, controlled substances, dangerous drugs, or dangerous devices into this state.

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Business and Professions Code Section 4161 provides for the regulation of a wholesaler located outside of California that ships, sells, mails, or delivers dangerous drugs or devices into this state or that sells, brokers or distributes such products.

Background

As part of the requirements for initial licensure as either a nonresident pharmacy or nonresident wholesaler an applicant must hold a current license in the resident state. Prior to issuance of a CA license, such applicants provide the board with license verification from the resident state that provides our board with confirmation of the current standing with the other state board as well as notification if the license has been disciplined.

This information is very valuable when making a licensing decision; however it only provides information at the time of licensure.

Staff Recommendations

Staff recommends the Licensing Committee members review and discuss the proposed language and recommend to the board full board, initiation of a rulemaking that would require, as a condition of renewal, disclosure of any disciplinary action taken against the entity in its home state.

Following is the draft language that could be used to facilitate implementation of such a requirement.

**Title 16. Board of Pharmacy
Proposed Language**

To Amend Section 1702 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1709. Names of Owners and Pharmacist in Charge, Renewal Requirements.

(a) Each permit to operate a pharmacy shall show the name and address of the pharmacy, the form of ownership (individual, partnership or corporation) and the pharmacist-in-charge. Each pharmacy shall, in its initial application on the annual renewal form, report the name of the pharmacist-in-charge, the names of all owners and the names of the corporate officers (if a corporation). Any changes in the pharmacist-in-charge, or the owners, or corporate officers shall be reported to the Board within 30 days.

(1) Any license issued to operate a pharmacy as authorized in Business and Professions Code Section 4112, shall also report any disciplinary action taken by any government agency since the last renewal of the license.

(b) Any transfer, in a single transaction or in a series of transactions, of 10 percent or more of the beneficial interest in a business entity licensed by the board to a person or entity who did not hold a beneficial interest at the time the original permit was issued, shall require written notification to the board within 30 days.

(c) The following shall constitute a transfer of permit and require application for a change of ownership: any transfer of a beneficial interest in a business entity licensed by the board, in a single transaction or in a series of transactions, to any person or entity, which transfer results in the transferee's holding 50% or more of the beneficial interest in that license.

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Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4058, 4101, 4111, 4112, 4113, 4120, 4124, 4130, 4133, 4141, 4149, 4160, 4161, 4196, 4201, 4304, 4305 and 4330, Business and Professions Code

1785. Disclosure of Discipline, Renewal.

Any license issued to operate a nonresident wholesaler shall report any disciplinary action by any government agency since the last renewal of the license. Failure to provide information required by this section renders the application for renewal incomplete and the board shall not renew the license.

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4161, 4300, 4301, Business and Professions Code

Discussion

Chair Veale referenced the language provided in the meeting materials and then asked if members or the public had any questions or concerns. Ryan Brooks supports the proposed language.

Steve Gray from Kaiser sought clarification on which site licenses would be impacted by this provision. Dr. Gray also asked the committee to clarify what types of action should be reported (e.g. disciplinary and/or citation and fines). Is the board also seeking information from other government agencies that may have taken some type of action? He stated how the proposed language reads is unclear if this would also affect corporate action.

Ms. Sodergren provided clarification that the intent of the language is for a nonresident wholesaler and nonresident pharmacy to disclose any disciplinary action on the renewal that occurred within the last renewal period.

Ms. Shellans explained the meaning of disciplinary action vs. citations and fines imposed on a license. A license that has been disciplined is imposed by a state regulatory agency and has restrictions imposed on the license which prevents the licensee to perform a certain task.

Action Item: Chair Veale directed staff to refine the language and to clarify exactly what staff is requesting the licensee provide for the members to review at the next Licensing Committee Meeting.

4. Proposed Amendment to California Business and Professions Code section 4053 Regarding the Qualifying Experience of Designated Representatives.

Relevant Statutes and Regulations

Business and Professions Code Section 4053 provides authority to the board to issue a designated representative license to an individual that meets specified criteria. This section also specifies that an individual licensed as such is responsible for protection of public health and safety in the handling, storage and shipment of dangerous drugs and devices in a wholesaler or veterinary food animal drug retainer.

Background

Current pharmacy law establishes the requirements for licensure as follows:

- a. High school graduation or equivalent
- b. One year paid work experience within the past three years OR

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- Meet all of the prerequisites to take the pharmacist licensure examination
- c. Completion of a training program

The board is currently seeking changes to this section of law through an omnibus proposal to clarify that the experienced required above is earned in a licensed facility.

Staff Recommendations

Staff recommends the Licensing Committee members review and discuss the proposed language and recommend to the full board, consideration of one additional change to this section of pharmacy law to waive the training program for an individual that meets the requirements to take pharmacist licensure examination. By law, such an individual would have either a BS or PharmD in Pharmacy as well as at least 1500 hours of intern experience.

Following is the draft language that could be used to facilitate implementation of such a requirement. As presented, the language in single underscore is the language currently approved and incorporated into omnibus bill. The language with a double underscore reflects the new language for committee consideration.

4053. Designated Representative to Supervise Wholesaler or Veterinary Food-Animal Drug Retailer

(a) Notwithstanding Section 4051, the board may issue a license as a designated representative to provide sufficient and qualified supervision in a wholesaler or veterinary food-animal drug retailer. The designated representative shall protect the public health and safety in the handling, storage, and shipment of dangerous drugs and dangerous devices in the wholesaler or veterinary food-animal drug retailer.

(b) An individual may apply for a designated representative license. In order to obtain and maintain that license, the individual shall meet all of the following requirements:

(1) He or she shall be a high school graduate or possess a general education development certificate equivalent.

(2) He or she shall have a minimum of one year of paid work experience in a licensed pharmacy, drug wholesaler, drug distributor or drug manufacturer, in the past three years, related to the distribution or dispensing of dangerous drugs or dangerous devices ~~or meet all of the prerequisites to take the examination required for licensure as a pharmacist by the board.~~

(3) He or she shall complete a training program approved by the board that, at a minimum, addresses each of the following subjects:

(A) Knowledge and understanding of California law and federal law relating to the distribution of dangerous drugs and dangerous devices.

(B) Knowledge and understanding of California law and federal law relating to the distribution of controlled substances.

(C) Knowledge and understanding of quality control systems.

(D) Knowledge and understanding of the United States Pharmacopoeia standards relating to the safe storage and handling of drugs.

(E) Knowledge and understanding of prescription terminology, abbreviations, dosages and format.

(4) An individual that satisfies all of the prerequisite requirements to take the pharmacist licensure examination is exempt from the requirements of paragraphs (2) and (3).

~~(4)~~ (5) The board may, by regulation, require training programs to include additional material.

~~(5)~~ (6) The board may not issue a license as a designated representative until the applicant provides proof of completion of the required training to the board.

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- (c) The veterinary food-animal drug retailer or wholesaler shall not operate without a pharmacist or a designated representative on its premises.
- (d) Only a pharmacist or a designated representative shall prepare and affix the label to veterinary food-animal drugs.
- (e) Section 4051 shall not apply to any laboratory licensed under Section 351 of Title III of the Public Health Service Act (Public Law 78-410).

Discussion

Chair Veale referenced the language provided in the meeting materials and provided an overview of the proposal.

Ms. Sodergren explained the proposal and why it is being brought to the committee to allow a person who has graduated from a college of pharmacy to qualify for a designated representative license as their educational training is far more extensive than the required one year of training.

Steve Gray from Kaiser requested the members consider adding the requirement that a person must be a minimum of 18 years of age as the law will not permit an under aged person to sign a waiver to provide any conviction information and cannot attain arrest records if under the age of 18, which could result in a potential public safety issue.

Motion

To accept staff recommendation and further amend to require a minimum of 18 years of age.

M/S: Brooks/Law

Discussion: Ryan Brooks questioned the need for the language to specifically state 18 years of age. Ms. Herold provided additional comments on the role of a designated representative and explained one of the ways the board ensure the business is viable is by requiring a surety bond of one hundred thousand dollars.

Amended Motion

To accept staff's recommendation and include in the language the requirement that a designative representative must be 18 years of age and to keep the training a minimum of one year.

M/S: Brooks/Law

Support: 5 Oppose: 0 Abstain: 0

5. Review of Request from Det Norske Veritas (DNV) to Renew Board of Pharmacy Approval as an Accreditation Agency for Licensed Sterile Injectable Compounding Pharmacies.

Relevant Statutes

Business and Professions Code Sections 4127 – 4127.8 provides for the regulation of pharmacies that compound sterile injectable drug products in a pharmacy. Pharmacy law creates an exemption from the licensure requirements for a pharmacy that is accredited by a private accreditation agency approved by the board (B&PC 4127.1 (d) and 4127.2 (c).)

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Background

For the past several years the board has been discussing several elements of pharmacies that compound sterile injectable products, including the requirements for private accreditation agencies. As part of the current approval process, such agencies apply to the board for consideration and approval by the board.

Det Norske Veritas (DNV) was previously approved by the board for a three year period. This approval will expire later this year. As such DNV has submitted a new request to the board. Regrettably because this meeting was rescheduled, a representative from DNV is unable to attend the committee meeting. Board staff will continue to work with DNV and will be prepared to discuss their request during the full board meeting scheduled later this month.

Discussion

Chair Veale reviewed the information provided in the meeting materials and informed the members that DNV was not able to attend since the meeting had been rescheduled and they had a conflict with the new meeting date.

Motion

To recommend to the board at the April board meeting to allow DNV a three month extension to allow for them to present before the committee in May.

M/S: Law/Wong

Support: 5 Oppose: 0 Abstain: 0

6. Update and Discussion on Implementation of BreEZe and Its Potential Impact on License Applications and Renewals.

Chair Veale reported over the past several years, the board has been apprised of the status of implementation of the new computer system, BreEZe, through the board's Organizational Development Committee. This will continue to be the case; however board staff would like to also advise the committee about the upcoming transition to the new system by some of the boards within DCA.

As the committee may be aware, as part of the implementation strategy used by the DCA to deploy this new system, boards and bureaus within the department are transitioning to this new system in three releases. While our board is scheduled for the second release, we will be impacted during the actual cut over time period for those programs in release one. Specifically, it is anticipated that several of the board's licensing functions will be on hold for about four to six days. During this time applications cannot be processed and licenses cannot be renewed. We have been advised that the cut over is scheduled for mid-May.

Chair Veale discussed the impact to staff and the board on the systems being down during this period.

Victor Law expressed his concerns how this may impact the processing of the graduating pharmacist applications.

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Steve Gray from Kaiser asked about additional information about when licensees expire and how this could affect their renewal. Dr. Gray suggested that we reach out to CDPH and other regulators to notify of this situation.

Ms. Herold reported the board will send out subscription alerts advising licensees to renew their license early during this timeframe. The implementation of the new system must take place and the timeframe of four to six days with the systems being down is unavoidable. She has indicated she will be the point person to address concerns by these regulators.

7. Accreditation Reviews Planned During 2013 of California Schools by the Accreditation Council for Pharmacy Education.

Chair Veale reported all schools of pharmacy in the United States are accredited by one body, the Accreditation Council for Pharmacy Education (ACPE).

Schools of pharmacy are visited according to a schedule developed by ACPE. Typically a California board member is invited to participate as an observer during accreditation visits of California schools of pharmacy by the ACPE. As the board learns the schedule of which school is undergoing review, typically Board President Weisser asks several board members if one of them would be interested in participating in this review as an observer.

This year, two California schools are under review. California Northstate was reviewed in April, and UCSF will be evaluated in the fall.

Board Member Kajioka participated as an observer at California Northstate; President Weisser will participate as an observer at UCSF.

Ms. Herold advised the committee about six additional pharmacy schools that are in various stages of accreditation.

Board President, Stan Weisser, reported he has participated as an observer at a couple of schools and he recommends that other board members participate as an observer as well because the experience is very valuable to understand the accreditation process.

8. Results of CE Audits.

Chair Veale reported California law requires pharmacists to complete 30 hours of continuing education every two years (except for the first renewal). The board currently licenses approximately 40,000 pharmacists.

As an alternative to having each pharmacist submit proof of completion of 30 hours of continuing education credit, California requires every pharmacist at time of renewal to sign a portion of the renewal application as following:

I successfully completed the hours of continuing education for renewal. I completed ____ hours of CE during my last renewal period.

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I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Signature_____

Date_____

Every year, the board audits a number of pharmacists who certify they have completed the required CE. During these audits, not all pharmacists are able to provide proof that they have completed the CE they reported.

During the last two years, CE audit stats when summarized are:

OVERALL: 422 audits were completed:
 340 Passed (80.6 percent)
 82 Failed (19.4 percent)

 Of the 82 who failed:
 55 later became compliant (67.1 percent)
 27 failed and became inactive (32.9 percent)

Those who failed were cited and fined.

By each year, the summary stats:

	<u>AUDITS</u>			<u>RESULTS</u>		<u>Of those who initially failed:</u> <u>FINAL OUTCOME</u>	
	Initiated	Completed	Pending	Pass	Fail	Became Compliant	Remained Non-Compliant
2011	198	198	0	159 (80.3%)	39 (19.7%)	25 (64.1%)	14 (35.9%)
2012	226	224	2	181 (80.8%)	43 (19.2%)	30 (69.8%)	13 (32.2%)

Victor Law asked about the use of the National Associate of Boards of Pharmacy (NABP) continuing education program for reporting compliance with continuing education.

Ms. Herold discussed the limitations on the NABP's system and indicated currently that system only collects continuing education information that is Accreditation Council for Pharmacy Education (ACPE) approved. Our law allows for continuing education approved by other boards as well as continuing education granted by the board. The NABP's system does not report on these types of approved continuing education in their system.

9. Review of Statistics regarding Discipline and License Denial of Pharmacy Technicians.

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At this meeting at the request of President Weisser, the committee will begin review of statistics regarding the number of pharmacy technicians who are formally disciplined following licensure, are denied licensure at time of application, or who are issued a probationary license. We will also report statistics on those who are issued permits, placed on probation and then surrender their licenses.

Chair Veale provided an overview of the item and referenced the statistics on the discipline and license denial of pharmacy technician's report that was handed out at the meeting.

Mr. Brooks requested the committee discuss the issue of medical marijuana as well as licensees the board is placing on probation and why.

Ms. Shellans explained the topic of medical marijuana will need to be placed on a future agenda in order for the committee to discuss this issue as it is not noticed on this agenda.

Ms. Herold reported these statistics were placed on this agenda for the committee to review the disciplinary cost associated with pharmacy technicians.

Dr. Wong asked if the board can reach out to the pharmacy technician schools to provide guidelines to prevent people with certain types of arrests and convictions from being able to enroll in a pharmacy program.

Ms. Herold reported there are various methods that a person can qualify for a pharmacy technician license and the board reviews each applicant's arrest and conviction independently.

Action

To add on a future agenda the legal discussion on the basis for denial.

10. Competency Committee Report.

California Practice Standards and Jurisprudence Examination for Pharmacists (CPJE)

The board instituted a quality assurance review of the CPJE effective April 1, 2013. This process is done periodically to ensure the reliability of the examination. As of the date of this report, the quality assurance review is still under review. Based on historical patterns, the board anticipates results being released approximately May or June 2013. The board encourages all qualified applicants to continue to schedule and take the CPJE exam. The greater the number of applicants who take the exam during this review period, the sooner results can be released.

Examination Development

Competency Committee workgroups will continue to conduct examination development meetings during the spring of 2013.

No public comment was provided.

11. Licensing Statistics.

Licensing Statistics for July 2012 – February 2013

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Chair Veale reported on the licensing statistics for July 2012 to February 2013. During these past eight months, the board received over 10,800 applications and issued over 9,500 licenses. The number of applications received decreased over 8% and the number of licenses issued decreased over 3% when compared to the same time periods last fiscal year.

No public comment was provided.

12. Public Comment for Items Not on the Agenda*

No public comment was provided.

Chair Veale adjourned the meeting at 2:20 p.m.

Attachment 1

Title 16. Board of Pharmacy Proposed Language

To Amend Section 1702 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1702. Pharmacist Renewal Requirements

(a) A pharmacist applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date ~~that occurs on or after December 7, 2010.~~

(1) A pharmacist shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the Board.

(2) A pharmacist applicant for renewal shall pay, as directed by the Board, the actual cost of compliance with subdivision (a).

(3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license, or for restoration of a retired license, an applicant shall comply with subdivision (a).

(4) The board may waive the requirements of this section for licensees who are actively serving in the United States military. The board may not return a license to active status until the licensee has complied with subdivision (a).

(b) As a condition of renewal, a pharmacist applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, during the preceding renewal cycle. ~~omitting traffic infractions under \$300 \$500 not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.~~

(c) As a condition of renewal, a pharmacist applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency.

(d) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license and shall issue the applicant an inactive pharmacist license. An inactive pharmacist license issued pursuant to this section may only be reactivated after compliance is confirmed for all licensure renewal requirements.

Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 490, 4036, 4200.5, 4207, 4301, 4301.5 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

To Add Section 1702.1 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1702.1 Pharmacy Technician Renewal Requirements

(a) A pharmacy technician applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete

a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date that occurs on or after July 1, 2014.

(1) A pharmacy technician shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the Board.

(2) A pharmacy technician applicant for renewal shall pay, as directed by the Board, the actual cost of compliance with subdivision (a).

(3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license an applicant shall comply with subdivision (a).

(4) The board may waive the requirements of this section for licensees who are actively serving in the United States military.

(b) As a condition of renewal, a pharmacy technician applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, during the preceding renewal cycle. Traffic infractions under \$500 not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.

(c) As a condition of renewal, a pharmacy technician applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency.

(d) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license.

Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 490, 4038, 4115, 4202, 4207, 4301, 4301.5 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

To Amend Section 1702.2 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1702. 2 Designated Representative Renewal Requirements

(a) A designated representative applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date that occurs on or after July 1, 2014.

(1) A designated representative shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the Board.

(2) A designated representative applicant for renewal shall pay, as directed by the Board, the actual cost of compliance with subdivision (a).

(3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license an applicant shall comply with subdivision (a).

(4) The board may waive the requirements of this section for licensees who are actively serving in the United States military.

(b) As a condition of renewal, a designated representative applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, during the preceding renewal cycles. Traffic infractions under \$500 not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.

(c) As a condition of renewal, a designated representative applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency.

(c) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license.

Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 490, 4022.5, 4053, 4207, 4301, 4301.5 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

Attachment 2

Title 16. Board of Pharmacy Proposed Language

To Amend Section 1702 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1709. Names of Owners and Pharmacist in Charge, Renewal Requirements.

(a) Each permit to operate a pharmacy shall show the name and address of the pharmacy, the form of ownership (individual, partnership or corporation) and the pharmacist-in-charge. Each pharmacy shall, in its initial application on the annual renewal form, report the name of the pharmacist-in-charge, the names of all owners and the names of the corporate officers (if a corporation). Any changes in the pharmacist-in-charge, or the owners, or corporate officers shall be reported to the Board within 30 days.

(1) Any license issued to operate a pharmacy as authorized in Business and Professions Code Section 4112, shall also report any disciplinary action taken by any government agency since the last renewal of the license.

(b) Any transfer, in a single transaction or in a series of transactions, of 10 percent or more of the beneficial interest in a business entity licensed by the board to a person or entity who did not hold a beneficial interest at the time the original permit was issued, shall require written notification to the board within 30 days.

(c) The following shall constitute a transfer of permit and require application for a change of ownership: any transfer of a beneficial interest in a business entity licensed by the board, in a single transaction or in a series of transactions, to any person or entity, which transfer results in the transferee's holding 50% or more of the beneficial interest in that license.

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4058, 4101, 4111, 4112, 4113, 4120, 4124, 4130, 4133, 4141, 4149, 4160, 4161, 4196, 4201, 4304, 4305 and 4330, Business and Professions Code

1785. Disclosure of Discipline, Renewal.

Any license issued to operate a nonresident wholesaler shall report any disciplinary action by any government agency since the last renewal of the license. Failure to provide information required by this section renders the application for renewal incomplete and the board shall not renew the license.

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4161, 4300, 4301, Business and Professions Code

Attachment 3

4053. Designated Representative to Supervise Wholesaler or Veterinary Food-Animal Drug Retailer

(a) Notwithstanding Section 4051, the board may issue a license as a designated representative to provide sufficient and qualified supervision in a wholesaler or veterinary food-animal drug retailer. The designated representative shall protect the public health and safety in the handling, storage, and shipment of dangerous drugs and dangerous devices in the wholesaler or veterinary food-animal drug retailer.

(b) An individual may apply for a designated representative license. In order to obtain and maintain that license, the individual shall meet all of the following requirements:

(1) He or she is at least 18 years of age and shall be a high school graduate or possess a general education development certificate equivalent.

(2) He or she shall have a minimum of one year of paid work experience in a licensed pharmacy, drug wholesaler, drug distributor or drug manufacturer, in the past three years, related to the distribution or dispensing of dangerous drugs or dangerous devices ~~or meet all of the prerequisites to take the examination required for licensure as a pharmacist by the board.~~

(3) He or she shall complete a training program approved by the board that, at a minimum, addresses each of the following subjects:

(A) Knowledge and understanding of California law and federal law relating to the distribution of dangerous drugs and dangerous devices.

(B) Knowledge and understanding of California law and federal law relating to the distribution of controlled substances.

(C) Knowledge and understanding of quality control systems.

(D) Knowledge and understanding of the United States Pharmacopoeia standards relating to the safe storage and handling of drugs.

(E) Knowledge and understanding of prescription terminology, abbreviations, dosages and format.

(4) An individual that satisfies all of the prerequisite requirements to take the pharmacist licensure examination is exempt from the requirements of paragraphs (2) and (3).

~~(4)~~ (5) The board may, by regulation, require training programs to include additional material.

~~(5)~~ (6) The board may not issue a license as a designated representative until the applicant provides proof of completion of the required training to the board.

(c) The veterinary food-animal drug retailer or wholesaler shall not operate without a pharmacist or a designated representative on its premises.

(d) Only a pharmacist or a designated representative shall prepare and affix the label to veterinary food-animal drugs.

(e) Section 4051 shall not apply to any laboratory licensed under Section 351 of Title III of the Public Health Service Act (Public Law 78-410).

Attachment 4

Discipline of Pharmacy Technicians and License Denials

	Pharmacy Technicians			Pharmacists		
	2009/10	2010/11	2011/12	2009/10	2010/11	2011/12
Number of Applications Received	11,566	10,790	9,522	2,341	2,417	2,571
Number of Licenses Issued	11,499	8,312	10,205	1,421	1,510	1,609
Number of Licensees	64,888	67,383	70,280	35,079	36,146	37,095

Applicants	Pharmacy Technicians			Pharmacists		
	2010	2011	2012	2010	2011	2012
Application Denials	102	111	111	5	5	4
Appeals of Denials	23	71	53	4	9	3
Pending Appeals of Denials	42	76	91	5	9	6

Denials Affirmed

Default Decision	2	2	8	0	0	1
Proposed Decision	4	5	11	0	0	2
Total	6	7	19	0	0	3

Probation

Stipulated Settlement	2	9	14	2	3	1
Proposed Decision	0	5	3	0	0	0
Total	2	14	17	2	3	1

Denials Dismissed	0	0	0	0	0	0
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License Discipline	Pharmacy Technicians			Pharmacists		
	2010	2011	2012	2010	2011	2012
Referred to AG	220	138	165	81	50	43
Accusations Filed	154	157	107	41	46	26
Pending Cases	279	207	202	82	78	60

	Pharmacy Technicians			Pharmacists		
	2010	2011	2012	2010	2011	2012
Revocation						
Default Decision	94	95	81	1	6	4
Stipulated Settlement	4	2	3	4	0	2
Proposed Decision	6	16	16	1	2	3
Total	104	113	100	6	8	9
Voluntary Surrender	34	29	26	8	5	13
Probation (Revocation Stayed)						
Stipulated Settlement	9	20	16	28	33	43
Proposed Decision	1	6	4	1	1	1
Total	10	26	20	29	34	44
Public Reprimand						
Stipulated Settlement	0	0	1	0	1	1
Proposed Decision	1	0	0	0	0	0
Total	1	0	1	0	1	1
Dismissal						
Stipulated Settlement	0	0	0	0	0	0
Proposed Decision	0	1	0	0	0	0
Total	0	1	0	0	0	0

Petitions to Revoke Probation

Probationers Referred to AG	11	3	11	7	5	3
Petitions to Revoke Probation Filed	12	4	8	10	5	3
Cases Pending	8	3	10	5	5	6

Revocation

Default Decision	4	6	2	1	2	0
Proposed Decision	0	2	0	1	2	1
Stipulated Settlement	0	0	0	0	1	0
Total	4	8	2	2	5	1
Voluntary Surrender	0	0	0	3	0	1

Probation (Revocation Stayed)

Stipulated Settlement	0	0	0	0	0	0
Proposed Decision	0	0	0	0	0	0
Total	0	0	0	0	0	0
Licenses Surrendered while on Probation	n/a	12	13	n/a	6	7

Attachment 5

California State Board of Pharmacy
CPJE Statistics 10/1/12 – 3/31/13

The charts below display data for all candidates who took the CPJE examination between 10/1/12 – 3/31/13, inclusive.

The board also displays NAPLEX scores associated with any candidate who took the CPJE during this six-month period and was reported to the board, regardless of when the NAPLEX may have been taken (it could have occurred outside the six-month reporting period noted above). Typically, the board reports CPJE performance data at six-month intervals.

Overall Pass Rates

CPJE

		Frequency	Percent
	F	205	35.7
	P	370	64.3
	Total	575	100.0

NAPLEX

		Frequency	Percent
	F	35	6.5
	P	506	93.5
	Total	541	100.0

Location of School

CPJE

			CPJE		CPJE Total	NAPLEX		NAPLEX Total
			Fail	Pass		Fail	Pass	
School	California	Count	27	73	100	4	96	100
		%	27.0	73.0	100.0	4.0	96.0	100.0
	Other US	Count	125	231	356	17	313	330
		%	35.1	64.9	100.0	5.2	94.8	100.0
	Foreign	Count	52	66	118	13	97	110
		%	44.1	55.9	100.0	11.8	88.2	100.0
	Unclassified	Count	1	0	1	1	0	1
			100.0	0.0	100.0	100.0	0.0	100.0
Total	Count	205	370	575	35	506	541	
		35.7	64.3	100.0	6.5	93.5	100.0	

Gender

			CPJE pass fail status		CPJE Total	NAPLEX pass fail status		NAPLEX Total
			Fail	Pass		Fail	Pass	
gender	F	Count	108	227	335	18	300	318
		%	32.2	67.8	100.0	5.7	94.3	100.0
	M	Count	97	143	240	17	206	223
		%	40.4	59.6	100.0	7.6	92.4	100.0
Total		Count within PF	205	370	575	35	506	541
			35.7	64.3	100.0	6.5	93.5	100.0

Degree

			CPJE pass fail status		CPJE Total	NAPLEX pass fail status		NAPLEX Total
			Fail	Pass		Fail	Pass	
degree awarded	BS Pharmacy	Count	52	51	103	10	83	93
		%	50.5	49.5	100.0	10.8	89.2	100.0
	Pharm D.	Count	153	319	472	25	423	448
		%	32.4	67.6	100.0	5.6	94.4	100.0
Total		Count	205	370	575	35	506	541
		%	35.7	64.3	100.0	6.5	93.5	100.0

California Schools

			CPJE pass fail status		CPJE Total	NAPLEX pass fail status		NAPLEX Total
			Fail	Pass		Fail	Pass	
school	UCSF	Count	1	6	7	0	7	7
		%	14.3	85.7	100.0	0.0	100.0	100.0
	UOP	Count	11	20	31	1	30	31
		%	35.5	64.5	100.0	3.2	96.8	100.0
	USC	Count	3	6	9	1	8	9
		%	33.3	66.7	100.0	11.1	88.9	100.0
	Western	Count	1	10	11	0	11	11
		%	9.1	90.9	100.0	0.0	100.0	100.0
	Loma Linda	Count	4	9	13	1	12	13
		%	30.8	69.2	100.0	7.7	92.3	100.0
	UCSD	Count	1	6	7	0	7	7
		%	14.3	85.7	100.0	0.0	100.0	100.0
	Touro	Count	3	10	13	1	12	13
		%	23.1	76.9	100.0	7.7	92.3	100.0
	Cal Northstate	Count	3	6	9	0	9	9
		%	33.3	66.7	100.0	0.0	100.0	100.0
Total	Count	27	73	100	4	96	100	
	%	27.0	73.0	100.0	4.0	96.0	100.0	

US Schools of Pharmacy

	CPJE pass fail status		Total
	F	P	
Auburn	0	3	3
Samford	2	0	2
U of AZ	1	2	3
U of AR	1	1	2
UCSF	1	6	7
U of Pacific	11	20	31
USC	3	6	9
U of CO	3	5	8
U of Conn	0	1	1
Howard DC	1	1	2
U of FL	4	2	6
Mercer	1	2	3
U of GA	1	2	3
Idaho SU	1	3	4
U of IL Chi	2	6	8
Purdue	2	3	5
Drake	0	2	2
U of IA	3	4	7
U of KS	0	1	1
NE LA U	1	0	1
Xavier	2	1	3
U of MD	4	5	9
MA Col Pharm	7	22	29
NE-MA	2	3	5
Ferris	3	2	5
U of MI	1	4	5
Wayne SU	2	1	3
U of MN	1	3	4
St. Louis Col of PH	1	1	2
U of MT	0	2	2
Creighton	0	2	2
Rutgers	1	5	6
U of NM	0	3	3
Western	1	10	11
Midwestern U Chicago	1	1	2
A&M Schwartz	2	3	5
St. Johns	1	2	3

	CPJE pass fail status		Total
	F	P	
SUNY-Buff	0	2	2
Union U	0	1	1
UNC	1	1	2
OH Nrthrn U	3	2	5
OH State U	1	2	3
U of Cinn	0	1	1
U of Toledo	0	3	3
SW OK State	1	1	2
U of OK	1	1	2
OR State U	0	3	3
Duquesne	2	5	7
PhI C of Pharm	3	2	5
Temple	4	1	5
U of Pitt	1	0	1
U of RI	0	3	3
U of SC	1	2	3
U of TN	2	1	3
TX SO U	1	1	2
U of TX	0	3	3
U of UT	2	1	3
Med C of VA	1	3	4
U of WA	2	2	4
WA State U	2	7	9
WV U	1	1	2
U of WI-Mad	0	2	2
U of WY	0	2	2
Nova Southeastern	3	2	5
Wilkes University	1	1	2
Texas Tech	1	3	4
Bernard J Dunn	0	3	3
Midwestern AZ	7	12	19
Nevada College of Pharm	7	22	29
Loma Linda U	4	9	13
UCSD	1	6	7
Palm Beach Atlantic University	0	4	4

	CPJE pass fail status		Total
	F	P	
Lake Erie Col	0	4	4
Touro U	3	10	13
U of Charleston	1	2	3
U of Appalachia	0	1	1
South U School of Pharm	4	1	5
Pac U of Or	4	7	11
Wingate U	1	0	1
U of Findlay	2	2	4
U of Incarnate Word	1	0	1
Sullivan U	6	2	8
Cal Northstate	3	6	9

	CPJE pass fail status		Total
	F	P	
Unclassified	1	0	1
Other/FG	52	66	118
U of HI - Hilo	4	7	11
NE Ohio Universities	1	0	1
Thomas Jefferson U	0	4	4
Harding U	1	0	1
Appalachian College of Pharm	1	1	2
Chicago St U	0	2	2
Total	205	370	575

Country

	CPJE pass fail status		Total
	F	P	
Armenia	0	1	1
Australia/Ashmore/Coral Sea Is/Cartier Is	0	1	1
Brazil	1	2	3
Byelorussian SSR	1	0	1
Canada	2	1	3
Switzerland	0	1	1
China	1	0	1
E&W Germany	0	1	1
Egypt	8	9	17
France	0	1	1
United Kingdom	1	3	4
India	9	14	23
Iraq	0	1	1
Iran	2	2	4
Jordan	4	3	7
S. Korea	1	2	3
Nigeria/New Guinea	0	3	3
Philippines	13	10	23
Romania	0	1	1
RS	0	1	1
Sweden	1	0	1
Serbia	1	0	1
Syria	0	2	2
USA	159	310	469
South Africa	1	1	2
Total	205	370	575

Attachment 6

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
I. APPLICATIONS													
A. Received													
Pharmacist (exam applications)	103	132	114	103	82	102	81	93	81				891
Pharmacist (initial licensing applications)	313	636	179	201	89	70	18	80	62				1648
Intern pharmacist	37	568	234	209	163	57	133	143	79				1623
Pharmacy technician	731	841	543	804	707	535	699	726	680				6266
Pharmacy	42	40	34	34	30	20	20	160	29				409
Pharmacy Exempt	0	0	0	0	9	0	0	0	0				9
Pharmacy - Temp	9	9	13	10	0	4	4	136	7				192
Sterile Compounding	6	9	8	2	9	4	4	5	3				50
Sterile Compounding - Exempt	0	0	0	0	0	0	0	0	0				0
Sterile Compounding - Temp	2	0	2	2	4	2	1	0	0				13
Nonresident Sterile Compounding	0	1	1	3	1	3	1	2	3				15
Clinics	1	7	4	6	7	12	17	9	11				74
Clinics Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals	0	2	4	2	0	0	0	7	2				17
Hospitals Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals - Temp	0	0	0	0	0	0	0	0	0				0
Drug Room	0	0	0	0	0	0	0	0	0				0
Drug Room Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Pharmacy	3	8	9	4	7	4	16	17	9				77
Nonresident Pharmacy - Temp	2	2	1	0	4	0	6	2	0				17
Licensed Correctional Facility	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes	3	4	1	4	0	2	2	1	0				17
Hypodermic Needle and Syringes Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	7	10	12	9	8	8	2	13	8				77
Nonresident Wholesalers - Temp	0	0	0	0	1	0	0	4	0				5
Wholesalers	5	5	8	6	2	8	2	29	3				68
Wholesalers Exempt	0	0	0	0	0	0	0	0	0				0
Wholesalers - Temp	3	0	1	1	0	2	1	6	0				14
Veterinary Food-Animal Drug Retailer	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer - Temp	0	0	0	0	0	0	0	0	0				0
Designated Representatives	29	36	37	51	26	36	24	55	58				352
Designated Representatives Vet	2	0	0	0	0	0	0	0	0				2
Centralized Hospital Packaging	n/a	n/a	n/a	n/a	n/a	n/a	1	1	0				2
Total	1298	2310	1205	1451	1149	869	1032	1489	1035	0	0	0	11838

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

I. APPLICATIONS (continued)	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
B. Issued													
Pharmacist	306	598	92	318	93	72	21	19	113				1632
Intern pharmacist	19	104	422	328	265	33	0	92	110				1373
Pharmacy technician	617	778	820	742	848	795	635	718	720				6673
Pharmacy	34	29	37	36	28	36	14	15	149				378
Pharmacy - Exempt	0	1	1	0	0	0	0	0	2				4
Pharmacy - Temp	0	1	0	0	0	0	0	0	0				1
Sterile Compounding	5	1	5	6	1	3	2	2	5				30
Sterile Compounding - Exempt	0	0	0	0	0	1	0	0	0				1
Sterile Compounding - Temp	0	0	0	0	0	0	0	0	0				0
Nonresident Sterile Compounding	5	0	0	0	3	1	2	0	2				13
Clinics	16	6	1	2	7	4	1	13	18				68
Clinics Exempt	0	1	0	0	1	0	0	2	3				7
Hospitals	1	1	1	2	1	2	1	0	0				9
Hospitals Exempt	1	0	0	0	0	0	0	0	0				1
Hospitals - Temp	0	0	0	0	0	0	0	0	0				0
Drug Room	0	0	0	0	1	0	0	0	0				1
Drug Room Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Pharmacy	49	6	2	1	10	11	7	2	5				93
Nonresident Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Licensed Correctional Facility	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes	4	3	3	0	2	1	2	1	0				16
Hypodermic Needle and Syringes Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	16	17	6	9	13	6	9	8	4				88
Nonresident Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Wholesalers	5	25	3	6	6	7	4	5	4				65
Wholesalers Exempt	0	0	1	0	0	0	0	0	0				1
Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer	0	6	0	0	0	0	0	0	0				6
Veterinary Food-Animal Drug Retailer - Temp	0	0	0	0	0	0	0	0	0				0
Designated Representatives	31	23	33	29	48	28	42	24	28				286
Designated Representatives Vet	1	0	0	0	0	0	0	0	0				1
Centralized Hospital Packaging	n/a	n/a	n/a	n/a	n/a	n/a	0	0	0				0
Total	1110	1600	1427	1479	1327	1000	740	901	1163	0	0	0	10747

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

I. APPLICATIONS (continued)	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
C. Pending													
Pharmacist (exam applications)	0	479	533	510	504	459	404	423	415				0
Pharmacist (eligible)	685	1099	1012	758	713	673	662	710	640				0
Intern pharmacist	0	564	362	182	114	132	143	235	196				0
Pharmacy technician	0	2683	2382	2297	2237	1890	1506	1851	1739				0
Pharmacy	0	150	144	138	138	116	114	257	140				0
Pharmacy - Exempt	0	1	0	0	0	0	1	3	1				0
Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Sterile Compounding	0	26	28	23	30	30	26	30	29				0
Sterile Compounding - Exempt	0	1	1	1	1	0	0	0	0				0
Sterile Compounding - Temp	0	0	0	0	0	0	0	0	0				0
Nonresident Sterile Compounding	0	10	11	17	15	17	15	17	18				0
Clinics	0	14	13	15	15	23	32	36	30				0
Clinics - Exempt	0	7	8	9	8	8	4	13	10				0
Hospitals	0	5	5	7	6	4	3	3	10				0
Hospitals - Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals - Temp	0	0	0	0	0	0	0	0	0				0
Drug Room	0	0	0	1	0	0	0	0	0				0
Drug Room - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Pharmacy	0	62	69	71	69	62	70	84	87				0
Nonresident Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Licensed Correctional Facility	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes	0	16	13	17	15	16	16	16	16				0
Hypodermic Needle and Syringes - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	0	80	88	81	75	79	64	72	79				0
Nonresident Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Wholesalers	0	60	65	65	60	61	49	75	74				0
Wholesalers - Exempt	0	2	1	1	1	1	3	3	3				0
Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer	0	2	2	2	2	2	2	2	2				0
Veterinary Food-Animal Drug Retailer - Temp	0	0	0	0	0	0	0	0	0				0
Designated Representatives	0	141	141	114	112	119	68	107	137				0
Designated Representatives Vet	0	3	3	3	3	3	1	1	1				0
Centralized Hospital Packaging	n/a	n/a	n/a	n/a	n/a	n/a	2	0	0				2
Total	685	5405	4881	4312	4118	3695	3185	3938	3627	0	0	0	0

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

I. APPLICATIONS (continued)	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
D. Withdrawn													
Pharmacist (exam applications)	1	0	1	1	1	41	30	0	10				85
Pharmacist (eligible)	0	0	0	0	0	0	0	0	0				0
Intern pharmacist	0	1	0	0	17	0	1	1	0				20
Pharmacy technician	49	9	20	17	11	90	22	9	46				273
Pharmacy	0	0	0	3	2	0	1	0	0				6
Pharmacy - Exempt	0	0	0	0	0	0	0	0	0				0
Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Sterile Compounding	0	0	0	0	0	0	0	0	0				0
Sterile Compounding - Exempt	0	0	0	0	0	0	0	0	0				0
Sterile Compounding - Temp	0	0	0	0	0	0	0	0	0				0
Nonresident Sterile Compounding	0	0	0	0	0	0	0	0	0				0
Clinics	0	0	0	0	0	0	0	0	0				0
Clinics - Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals	0	0	0	0	0	0	0	0	0				0
Hospitals - Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals - Temp	0	0	0	0	0	0	0	0	0				0
Drug Room	0	0	0	0	0	0	0	0	0				0
Drug Room - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Pharmacy	0	0	0	0	0	0	0	0	0				0
Nonresident Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Licensed Correctional Facility	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	16	2	0	7	0	0	3	1	0				29
Nonresident Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Wholesalers	8	0	1	0	0	0	3	0	0				12
Wholesalers - Exempt	0	0	0	0	0	0	0	0	0				0
Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer - Temp	0	0	0	0	0	0	0	0	0				0
Designated Representatives	12	17	1	17	0	0	24	1	1				73
Designated Representatives Vet	0	0	0	0	0	0	2	0	0				2
Centralized Hospital Packaging	n/a	n/a	n/a	n/a	n/a	n/a	0	0	0				0
Total	86	29	23	45	31	131	86	12	57	0	0	0	500

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

I. APPLICATIONS (continued)	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
E. Denied													
Pharmacist (exam applications)	3	1	0	0	1	0	0	0	0				5
Pharmacist (eligible)	0	0	0	0	0	0	0	1	1				2
Intern pharmacist	1	0	1	0	0	0	1	0	0				3
Pharmacy technician	21	7	5	5	8	1	14	0	15				76
Pharmacy	0	0	1	1	1	2	2	0	2				9
Pharmacy - Exempt	0	0	0	0	0	0	0	0	0				0
Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Sterile Compounding	0	0	0	0	0	0	0	0	0				0
Sterile Compounding - Exempt	0	0	0	0	0	0	0	0	0				0
Sterile Compounding - Temp	0	0	0	0	0	0	0	0	0				0
Nonresident Sterile Compounding	0	0	0	0	0	0	0	0	0				0
Clinics	0	0	0	0	0	0	0	0	0				0
Clinics - Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals	0	0	0	0	0	0	0	0	0				0
Hospitals - Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals - Temp	0	0	0	0	0	0	0	0	0				0
Drug Room	0	0	0	0	0	0	0	0	0				0
Drug Room - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Pharmacy	0	1	0	0	0	0	0	0	0				1
Nonresident Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Licensed Correctional Facility	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	0	0	0	0	1	0	1	0	0				2
Nonresident Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Wholesalers	0	0	0	0	0	0	1	0	0				1
Wholesalers - Exempt	0	0	0	0	0	0	0	0	0				0
Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer - Temp	0	0	0	0	0	0	0	0	0				0
Designated Representatives	0	0	0	0	0	0	0	0	0				0
Designated Representatives Vet	0	0	0	0	0	0	0	0	0				0
Centralized Hospital Packaging	0	0	0	0	0	0	0	0	0				0
Total	25	9	7	6	11	3	19	1	18	0	0	0	99

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

II. RESPOND TO STATUS REQUESTS

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
A. E-mail status requests and inquiries													
Pharmacist/Intern	542	621	58	81	184	173	639	344	294				2936
Pharmacy Technicians	606	672	87	391	360	160	372	297	360				3305
Site Licenses (pharmacy, clinic)	275	712	566	393	464	400	500	353	482				4145
Site Licenses (wholesalers)	277	203	107	274	189	175	331	258	425				2239
Pharmacist-in-Charge	122	98	86	44	172	68	74	144	172				980
Renewals	93	569	54	92	63	88	137	113	76				1285
B. Telephone status requests and inquiries													
Site Licenses (pharmacy, clinic)	132	348	185	181	236	229	208	205	209				1933
Site Licenses (wholesalers)	17	112	59	115	92	98	132	114	137				876
Pharmacist-in-Charge	31	51	22	55	82	24	34	35	41				375
Renewals	334	502	387	438	441	393	480	856	691				4522

III. UPDATE LICENSING RECORDS

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN*	FYTD
A. Change of Pharmacist-in-Charge***													
Received	98	158	120	151	97	140	108	92	87				1051
Processed	6	18	17	29	9	24	18	93	94				308
Pending	92	232	335	457	545	661	751	750	743				0
B. Change of Exemptee-in-Charge***													
Received	6	16	20	21	17	7	19	9	16				131
Processed	8	7	20	0	1	0	10	8	8				62
Pending	151	160	176	197	213	220	229	230	238				0
C. Change of Permits													
Received	57	86	82	68	52	90	59	66	39				599
Processed	6	124	113	17	7	98	5	26	15				411
Pending	269	231	200	251	296	288	342	382	406				0
D. Discontinuance of Business***													
Received	3	11	43	25	20	25	16	10	23				176
Processed	0	0	4	19	57	21	8	29	14				152
Pending	200	211	250	256	219	223	231	212	221				0
E Requests processed													
Address/Name Changes	801	1087	1057	1020	886	826	1106	764	1242				8789
Off-site storage	31			30			31						92
Transfer of intern hours to other states	8	14	7	1	4	0	4	5	1				44

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

IV. AVERAGE PROCESSING TIMES

A. Average days to process initial applications

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Pharmacist (exam application)	9	8	5	8	8	8	8	9	8			
Pharmacy Intern	8	13	10	4	4	6	12	12	9			
Pharmacy Technician	36	41	39	36	35	29	27	20	18			
Pharmacies	16	26	19	20	11	24	38	33	20			
Non-Resident Pharmacies	16	26	19	20	11	24	38	33	20			
Wholesaler	16	26	19	20	11	24	38	33	20			
Veterinary Drug Retailers	16	26	19	20	11	24	38	33	20			
Designated Representatives	16	26	19	20	11	24	38	33	20			
Out-of-State Distributors	16	26	19	20	11	24	38	33	20			
Clinics	16	26	19	20	11	24	38	33	20			
Hypodermic Needle & Syringe Distributors	16	26	19	20	11	24	38	33	20			
Sterile Compounding	16	26	19	20	11	24	38	33	20			
Change of Permit	26	38	20	36	34	32	23	30	32			
Change of Pharmacist-in-Charge	16	12	3	8	5	6	4	10	9			
Change of Designated Representative-in-Charge	14	12	2	10	4	4	5	9	11			
Discontinuance of Business	29	52	70	91	6	12	5	10	4			

B. Average days to process deficiency documents

Pharmacist (exam application)	3	3	3	3	3	2	4	4	3			
Pharmacy Intern	5	1	2	2	1	3	3	3	3			
Pharmacy Technician	3	3	3	2	2	2	2	2	2			
Pharmacies	12	12	12	8	8	8	5	8	7			
Non-Resident Pharmacies	12	12	12	8	8	8	5	8	7			
Wholesaler	12	12	12	8	8	8	5	8	7			
Veterinary Drug Retailers	12	12	12	8	8	8	5	8	7			
Designated Representatives	12	12	12	8	8	8	5	8	7			
Out-of-State Distributors	12	12	12	8	8	8	5	8	7			
Clinics	12	12	12	8	8	8	5	8	7			
Hypodermic Needle & Syringe Distributors	12	12	12	8	8	8	5	8	7			
Sterile Compounding	12	12	12	8	8	8	5	8	7			

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

IV. AVERAGE PROCESSING TIMES (cont.)

C. Average days to issue a license after all deficiencies are corrected

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Pharmacist (initial licensing)	2	2	3	3	2	4	2	3	3			
Pharmacy Intern	4	2	2	3	2	3	3	5	3			
Pharmacy Technician	3	3	3	4	3	4	3	3	3			
Pharmacies	7	7	18	7	9	8	14	14	3			
Non-Resident Pharmacies	7	7	18	7	9	8	14	14	3			
Wholesaler	7	7	18	7	9	8	14	14	3			
Veterinary Drug Retailers	7	7	18	7	9	8	14	14	3			
Designated Representatives	7	7	18	7	9	8	14	14	3			
Out-of-State Distributors	7	7	18	7	9	8	14	14	3			
Clinics	7	7	18	7	9	8	14	14	3			
Hypodermic Needle & Syringe Distributors	7	7	18	7	9	8	14	14	3			
Sterile Compounding	7	7	18	7	9	8	14	14	3			

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13


V. Revenue Received	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
A. Revenue Received													
Applications	170,967	312,867	172,234	204,801	167,881	139,821	134,821	252,261					\$1,555,653
Renewals	92,011	773,141	1,385,140	969,588	510,893	723,084	972,132	841,886					\$6,267,875
Cite and Fine	129,771	557,650	101,841	97,909	278,779	44,110	205,486	122,836					\$1,538,382
Probation/Cost Recovery	51,160	13,602	69,036	181,162	26,879	18,011	53,248	101,998					\$515,096
Request for Information/Lic. Verification	1,675	2,800	1,100	1,825	1,870	1,555	2,750	1,725					\$15,300
Fingerprint Fee	6,370	8,998	7,546	8,379	6,401	5,537	5,878	7,989					\$57,098
B. Renewals Received													
Pharmacist	1449	1603	1420	1571	1221	1410	1477	1243	1649				13043
Pharmacy technician	2261	2484	2333	2639	2146	2203	632	1985	2944				19627
Pharmacy	198	221	270	885	177	344	524	1077	207				3903
Pharmacy - Exempt	0	1	82	29	0	0	1	0	1				114
Sterile Compounding	12	20	11	62	19	18	14	11	13				180
Sterile Compounding - Exempt	0	0	0	6	0	0	0	0	0				6
Nonresident Sterile Compounding	1	8	13	0	3	4	1	4	5				39
Clinics	73	93	55	92	61	57	79	65	99				674
Clinics - Exempt	0	2	80	75	3	4	0	0	1				165
Hospitals	18	29	25	81	23	30	45	23	33				307
Hospitals - Exempt	0	2	66	20	6	0	1	0	0				95
Drug Room	0	0	0	0	2	1	2	3	4				12
Drug Room - Exempt	0	0	0	5	0	0	0	0	0				5
Nonresident Pharmacy	30	26	31	29	23	22	21	24	33				239
Licensed Correctional Facility	0	0	37	8	3	0	0	0	1				49
Hypodermic Needle and Syringes	20	18	20	25	19	28	18	14	27				189
Hypodermic Needle and Syringes - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	60	55	52	52	43	36	45	36	46				425
Wholesalers	33	53	36	41	25	25	36	35	37				321
Wholesalers - Exempt	0	0	6	1	0	2	0	0	0				9
Veterinary Food-Animal Drug Retailer	2	0	3	0	1	1	3	0	3				13
Designated Representatives	212	262	230	198	169	195	217	204	275				1962
Designated Representatives Vet	3	9	7	5	1	2	4	2	5				38
Total	4372	4886	4777	5824	3945	4382	3120	4726	5383	0	0	0	41415

Board of Pharmacy Licensing Statistics - Fiscal Year 2012/13

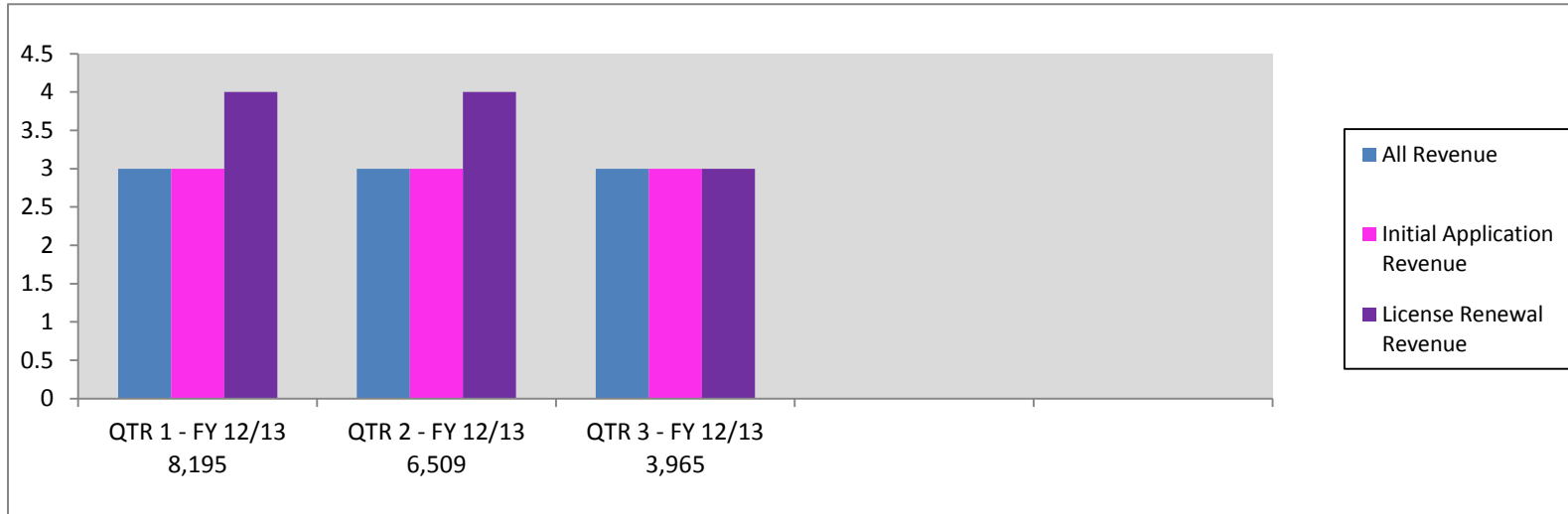
VI. Current Licensees	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Pharmacist	41370	41932	42190	42279	42356	42400	42401	42411	42490			
Intern	5665	5214	5506	5631	5708	5680	5713	5777	5823			
Pharmacy technician	72565	72551	72886	73052	73260	73516	73581	73717	73928			
Pharmacy	6176	6195	6231	6212	6215	6232	6238	6237	6252			
Pharmacy - Exempt	120	121	123	123	123	123	122	121	123			
Sterile Compounding	254	255	260	255	252	248	249	245	248			
Sterile Compounding - Exempt	26	26	26	24	24	25	25	25	25			
Nonresident Sterile Compounding	93	93	93	88	90	91	92	92	93			
Clinics	1092	1098	1098	1094	1099	1102	1102	1113	1128			
Clinics - Exempt	221	222	222	221	222	219	220	222	224			
Hospitals	401	402	403	403	401	402	402	401	402			
Hospitals - Exempt	90	90	89	89	88	88	88	88	88			
Drug Room	26	26	27	26	27	26	26	26	26			
Drug Room - Exempt	17	17	17	17	17	17	17	17	17			
Nonresident Pharmacy	463	467	468	464	466	473	481	478	482			
Licensed Correctional Facility	51	51	51	51	51	51	51	51	51			
Hypodermic Needle and Syringes	344	347	350	350	352	352	354	355	354			
Hypodermic Needle and Syringes - Exempt	1	1	1	1	1	1	1	1	1			
Nonresident Wholesalers	761	778	781	782	792	794	813	808	807			
Wholesalers	595	610	604	606	607	610	615	617	613			
Wholesalers - Exempt	11	11	12	12	12	12	12	12	12			
Veterinary Food-Animal Drug Retailer	27	27	27	27	27	25	27	27	27			
Designated Representatives	4506	4503	4549	4583	4608	4635	4673	4695	4732			
Designated Representatives Vet	93	95	95	95	95	95	95	95	95			
Total	134968	135132	136109	136485	136893	137217	137398	137631	138041	0	0	0

Attachment 7

Strategic Planning: Licensing

Success Indicators		Related Performance Measures	 Acceptance Parameters	Actual Percentage Green Light Status	Average Processing Time	Explanation
2A	Cashier all revenue received within 3 working days.	[EF]	<div>○ 90%</div> <div>○ 86%</div> <div>● 85%</div>	63%	3.26	Renewal process requires duplicative data entry into two data systems. Vacancy at reception area delays mail opening and increases cashiering time. * 86% cashiered within 4 days or less.
2B	Review intial applications within 30 working days.	[PC, EF]	<div>● 90%</div> <div>○ 86%</div> <div>○ 85%</div>	97%	18	
2C	Review received deficiency items to determine application completeness within 5 working days of receipt.	[PC, EF, RC]	<div>● 90%</div> <div>○ 86%</div> <div>○ 85%</div>	95%	2.03	*99% reviewed within 10 days or less.
2D	Issue licenses within 3 working days of completed application.	[PC, EF]	<div>○ 90%</div> <div>○ 86%</div> <div>● 85%</div>	68%	3.36	*93% issued within 5 days or less. *86% issued within 4 days or less.
2E	Update information changes to licensing records within 5 working days.	[EF]	<div>● 90%</div> <div>○ 86%</div> <div>○ 85%</div>	95%	2.94	

**2A. Cashier all revenue received three three working days.
(Reported with number of items cashiered.)**



All Revenue - Includes all revenue reported in License Renewal Revenue and Initial Application Revenue as well as the following revenue categories: citations and fines, pharmacist scholarship fund, fingerprint fees, dishonored checks, change of permits, license verifications, change of ownerships, change of pharmacist-in-charge, change of designated representative-in-charge, retired licenses, regrades for examinations, and temporary permits.

Initial Application Revenue - Includes initial applications for all license types.

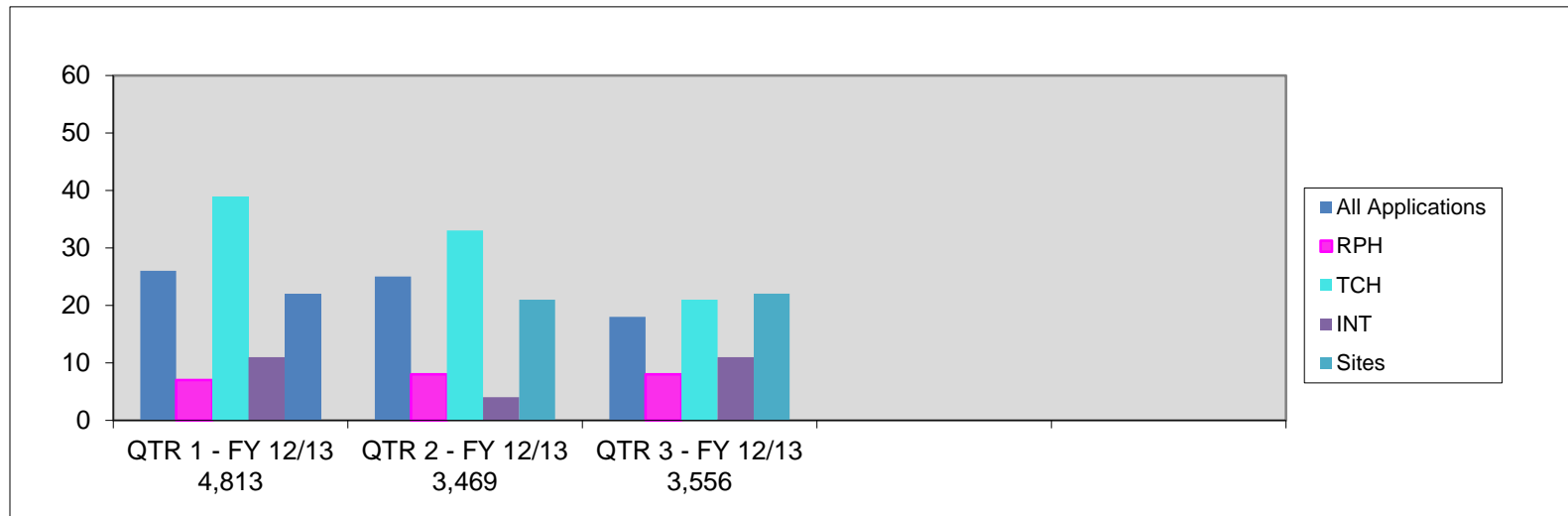
License Renewal Revenue - Includes all licensee renewal applications.

Notes:

Averages reported in working days excluding holidays.

2B. Review initial applications within 30 days.

(Reported with Number of All Application Types, Pharmacist Applications and Pharmacy Technician Applications Received)

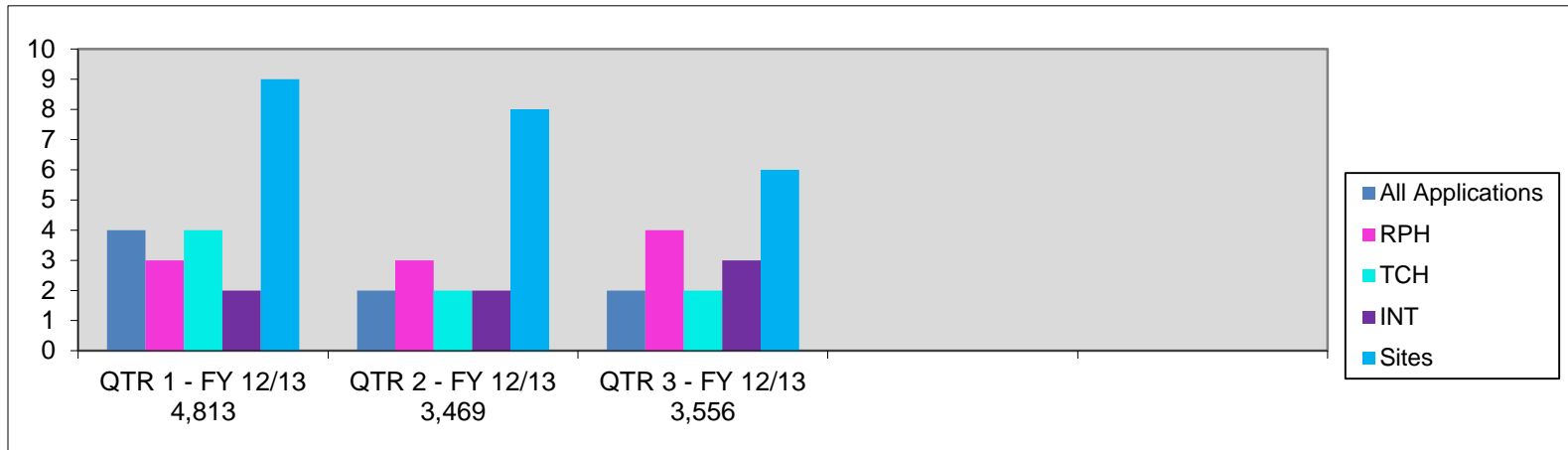


Notes:

Averages reported in working days excluding holidays.

Data does not include applicants where their application fee was paid by another entity.

**2C. Review deficiency items to determine a complete application within five working days of receipt.
(Reported with number of applications received)**



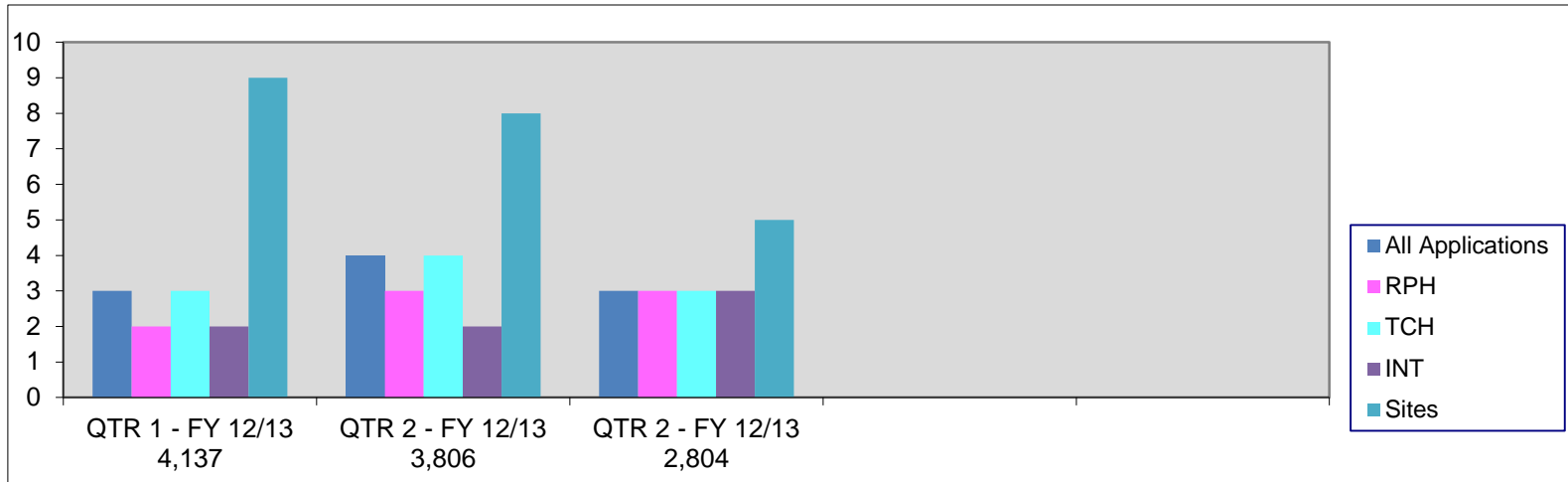
Notes:

Averages reported in working days excluding holidays.

Data does not include applicants where their application fee was paid by another entity.

Average issue time for site applications determined without inspection time.

**2D. Issue license within three working days of a complete application.
(Reported with number of licenses issued)**



Notes:

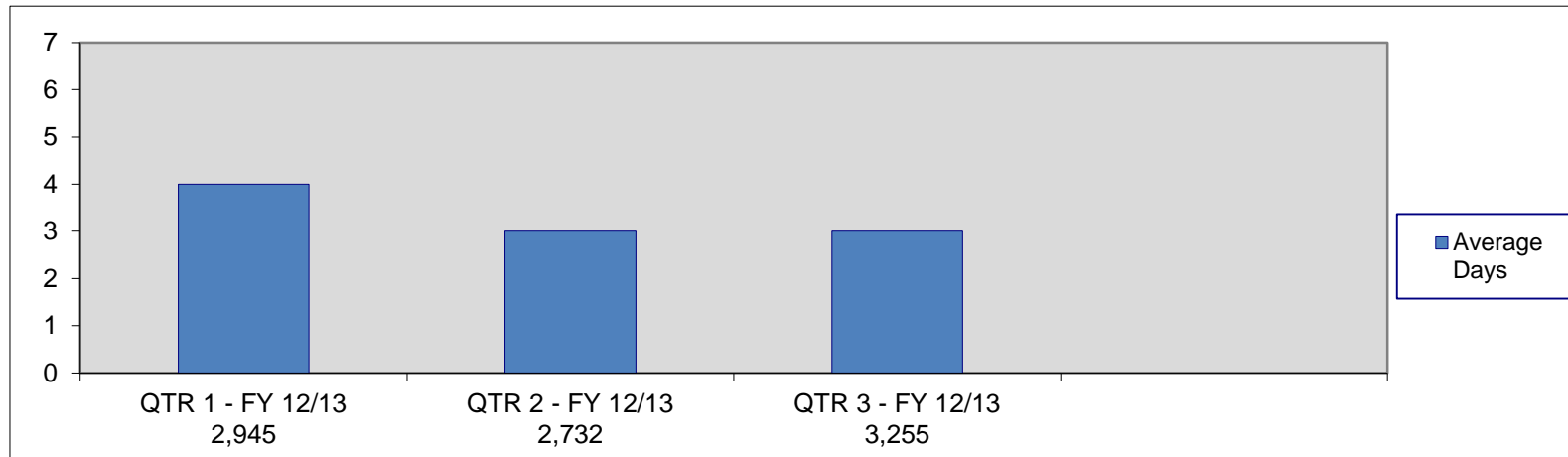
Averages reported in working days excluding holidays.

Data does not include applicants where their application fee was paid by another entity.

Average issue time for site applications determined without inspection time.

Site applications that have been determined to meet licensing requirements but have future opening dates will impact average processing times as they are issued closer to the opening date.

**2E. Update information changes to licensing records within five working days
(Reported by number of changes made)**



Notes:
Averages reported in working days.

Attachment 8



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

GOVERNOR EDMUND G. BROWN JR.

**STATE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
LICENSING COMMITTEE MEETING MINUTES**

DATE: April 12, 2013

LOCATION: Department of Consumer Affairs
Headquarters Building II
1625 N. Market Boulevard, Room 186
Sacramento, CA 95834

**COMMITTEE MEMBERS
PRESENT:**

Deborah Veale, RPh, Chair
Ryan Brooks, Public Member
Albert C.M. Wong, PharmD
Victor Law, RPh
Lavanza Butler,

**COMMITTEE MEMBERS
NOT PRESENT:**

Greg Lippe, Public Member

**STAFF
PRESENT:**

Virginia Herold, Executive Officer
Anne Sodergren, Assistant Executive Officer
Kristy Shellans, DCA Staff Counsel
Carolyn Klein, Administrative Manager
Debbie Damoth, Licensing Manager
Debi Mitchell, Licensing & Complaint Unit Manager
Laura Hendricks, Associate Analyst

Call to Order

Chair Deborah Veale called the meeting to order at 1:06p.m.

Chair Veale conducted a roll call. Board Members Ryan Brooks, Albert Wong, Victor Law, and Lavanza Butler were present.

Board President Stan Weisser was in attendance in the audience.

1. **Licensing Committee Meeting Dates for the Remainder of 2013: May 28, September 24 and December 11.**

Licensing Committee Meeting Minutes
April 12, 2013

Chair Veale identified the remainder meeting dates for the Licensing Committee and directed members to place these dates in their calendars.

2. Staff Recommendations for Regulation Changes to Require or Standardize the Reporting of Convictions and Discipline at the Time of Renewal for Pharmacists, Pharmacy Technicians and Designated Representatives.

Relevant Statutes and Regulations

Business and Professions Code Section 4036 provides the definition for “pharmacist” and specifies that the holder of an unexpired and active pharmacist license is entitled to practice pharmacy as defined in pharmacy law.

Business and Professions Code Section 4022.5 provides the definition of “designated representative” and Business and Professions Code Section 4038 provides the definition of a pharmacy technician.

California Code of Regulations Section 1702 details the fingerprint and criminal conviction requirements that are currently required as a condition of renewal for a pharmacist.

Background

As part of the Consumer Protection Enforcement Initiative in 2008/2009, the board undertook review and evaluation of several areas of its enforcement and licensing functions to identify areas where the board could improve its ability to ensure it received or had access to information necessary to make appropriate licensing decisions as well as ensure it received relevant information to initiate investigations and take appropriate action to better protect consumers.

As part of this effort the board sought new regulatory authority to require fingerprinting of pharmacists that had not previously submitted fingerprints to the Department of Justice in an electronic format. To augment this effort, the board also sought to require as a condition of renewal, that a pharmacist also self-report any convictions. These changes took effect in December 2010. At the time the board adopted the changes, they requested that similar provisions be implemented for pharmacy technicians and designated representatives.

Staff Recommendations

Staff recommends the Licensing Committee members review and discuss the proposed language and recommend to the full board initiation of a follow-up regulation that will make changes to the existing pharmacist renewal as well as place similar renewal requirements on pharmacy technician and designative representatives. The proposed changes to the pharmacist renewal include:

- Disclosure of disciplinary action
- Removing reference to the implementation date
- Clarifying that disclosure of criminal conviction information and disciplinary action is for action taken since the last renewal of the license.

For the committee's reference, is the draft regulation language to facilitate both as well as an excerpt from the board meeting in October 2009.

Title 16. Board of Pharmacy

Licensing Committee Meeting Minutes
April 12, 2013

Proposed Language

To Amend Section 1702 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1702. Pharmacist Renewal Requirements

(a) A pharmacist applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date ~~that occurs on or after December 7, 2010.~~

(1) A pharmacist shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the Board.

(2) A pharmacist applicant for renewal shall pay, as directed by the Board, the actual cost of compliance with subdivision (a).

(3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license, or for restoration of a retired license, an applicant shall comply with subdivision (a).

(4) The board may waive the requirements of this section for licensees who are actively serving in the United States military. The board may not return a license to active status until the licensee has complied with subdivision (a).

(b) As a condition of renewal, a pharmacist applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, since the last renewal of the license. ~~omitting~~ Traffic infractions under ~~\$300~~ \$500 not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.

(c) As a condition of renewal, a pharmacist applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency since the last renewal of the license.

(d) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license and shall issue the applicant an inactive pharmacist license. An inactive pharmacist license issued pursuant to this section may only be reactivated after compliance is confirmed for all licensure renewal requirements.

Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 490, 4036, 4200.5, 4207, 4301, 4301.5 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

To Add Section 1702.1 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1702. 1 Pharmacy Technician Renewal Requirements

(a) A pharmacy technician applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through

Licensing Committee Meeting Minutes
April 12, 2013

the Department of Justice by the licensee's or registrant's renewal date that occurs on or after July 1, 2014.

(1) A pharmacy technician shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the Board.

(2) A pharmacy technician applicant for renewal shall pay, as directed by the Board, the actual cost of compliance with subdivision (a).

(3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license an applicant shall comply with subdivision (a).

(4) The board may waive the requirements of this section for licensees who are actively serving in the United States military.

(b) As a condition of renewal, a pharmacy technician applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, since the last renewal of the license. Traffic infractions under \$500 not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.

(c) As a condition of renewal, a pharmacy technician applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency since the last renewal of the license.

(d) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license.

Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 490, 4038, 4115, 4202, 4207, 4301, 4301.5 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

To Amend Section 1702.2 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1702. 2 Designated Representative Renewal Requirements

(a) A designated representative applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date that occurs on or after July 1, 2014.

(1) A designated representative shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the Board.

(2) A designated representative applicant for renewal shall pay, as directed by the Board, the actual cost of compliance with subdivision (a).

(3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license an applicant shall comply with subdivision (a).

(4) The board may waive the requirements of this section for licensees who are actively serving in the United States military.

Licensing Committee Meeting Minutes
April 12, 2013

(b) As a condition of renewal, a designated representative applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, since the last renewal of the license. Traffic infractions under \$500 not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.

(c) As a condition of renewal, a designated representative applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency since the last renewal of the license.

(c) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license.

Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 490, 4022.5, 4053, 4207, 4301, 4301.5 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

Discussion

Chair Veale referenced the language provided in the meeting materials and then asked if members had any questions or concerns. Ryan Brooks supports staff's proposals. He requested clarity about the types of arrest and convictions that need to be reported (e.g. arrests that are expunged).

Anne Sodergren provided clarification on the board's authority to request all criminal background information. She explained there is language in the applications that explains to applicants the type of criminal conviction and disciplinary action being requested. Ms. Sodergren will research if this same type of language could be included on the renewal application to further clarify the type of criminal and disciplinary action the board is requesting.

Kristy Shellans, expressed her concerns the impact this will have on Department of Justice and the possible fiscal impact this will have on the board. Ms. Sodergren explained the number of licensed pharmacy technicians and designated representatives that will need to be fingerprinted again is not as large as the number of pharmacist that recently had to be fingerprinted as a condition of renewal and indicated the board will absorb the fiscal impact as it should be minimal.

Action Item

Chair Veale directed staff to determine the number of pharmacy technicians and designated representatives that will require retro fingerprinting and to provide information relating to the cost associated, if any to the board at the next Licensing Committee Meeting.

Staff will refine the language and pull the stats on the number of licensees that will be required to do this to assess the economic impact.

3. Staff Recommendation for Regulation Changes to Require Site Licenses to Report Disciplinary Actions by Other Entities at Time of Renewal.

Relevant Statutes and Regulations

Business and Professions Code Section 4112 provides for the regulation of a pharmacy located outside of California that ships, mails, or delivers, in any matter, controlled substances, dangerous drugs, or dangerous devices into this state.

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Business and Professions Code Section 4161 provides for the regulation of a wholesaler located outside of California that ships, sells, mails, or delivers dangerous drugs or devices into this state or that sells, brokers or distributes such products.

Background

As part of the requirements for initial licensure as either a nonresident pharmacy or nonresident wholesaler an applicant must hold a current license in the resident state. Prior to issuance of a CA license, such applicants provide the board with license verification from the resident state that provides our board with confirmation of the current standing with the other state board as well as notification if the license has been disciplined.

This information is very valuable when making a licensing decision; however it only provides information at the time of licensure.

Staff Recommendations

Staff recommends the Licensing Committee members review and discuss the proposed language and recommend to the board full board, initiation of a rulemaking that would require, as a condition of renewal, disclosure of any disciplinary action taken against the entity in its home state.

Following is the draft language that could be used to facilitate implementation of such a requirement.

**Title 16. Board of Pharmacy
Proposed Language**

To Amend Section 1702 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1709. Names of Owners and Pharmacist in Charge, Renewal Requirements.

(a) Each permit to operate a pharmacy shall show the name and address of the pharmacy, the form of ownership (individual, partnership or corporation) and the pharmacist-in-charge. Each pharmacy shall, in its initial application on the annual renewal form, report the name of the pharmacist-in-charge, the names of all owners and the names of the corporate officers (if a corporation). Any changes in the pharmacist-in-charge, or the owners, or corporate officers shall be reported to the Board within 30 days.

(1) Any license issued to operate a pharmacy as authorized in Business and Professions Code Section 4112, shall also report any disciplinary action taken by any government agency since the last renewal of the license.

(b) Any transfer, in a single transaction or in a series of transactions, of 10 percent or more of the beneficial interest in a business entity licensed by the board to a person or entity who did not hold a beneficial interest at the time the original permit was issued, shall require written notification to the board within 30 days.

(c) The following shall constitute a transfer of permit and require application for a change of ownership: any transfer of a beneficial interest in a business entity licensed by the board, in a single transaction or in a series of transactions, to any person or entity, which transfer results in the transferee's holding 50% or more of the beneficial interest in that license.

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Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4058, 4101, 4111, 4112, 4113, 4120, 4124, 4130, 4133, 4141, 4149, 4160, 4161, 4196, 4201, 4304, 4305 and 4330, Business and Professions Code

1785. Disclosure of Discipline, Renewal.

Any license issued to operate a nonresident wholesaler shall report any disciplinary action by any government agency since the last renewal of the license. Failure to provide information required by this section renders the application for renewal incomplete and the board shall not renew the license.

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4161, 4300, 4301, Business and Professions Code

Discussion

Chair Veale referenced the language provided in the meeting materials and then asked if members or the public had any questions or concerns. Ryan Brooks supports the proposed language.

Steve Gray from Kaiser sought clarification on which site licenses would be impacted by this provision. Dr. Gray also asked the committee to clarify what types of action should be reported (e.g. disciplinary and/or citation and fines). Is the board also seeking information from other government agencies that may have taken some type of action? He stated how the proposed language reads is unclear if this would also affect corporate action.

Ms. Sodergren provided clarification that the intent of the language is for a nonresident wholesaler and nonresident pharmacy to disclose any disciplinary action on the renewal that occurred within the last renewal period.

Ms. Shellans explained the meaning of disciplinary action vs. citations and fines imposed on a license. A license that has been disciplined is imposed by a state regulatory agency and has restrictions imposed on the license which prevents the licensee to perform a certain task.

Action Item: Chair Veale directed staff to refine the language and to clarify exactly what staff is requesting the licensee provide for the members to review at the next Licensing Committee Meeting.

4. Proposed Amendment to California Business and Professions Code section 4053 Regarding the Qualifying Experience of Designated Representatives.

Relevant Statutes and Regulations

Business and Professions Code Section 4053 provides authority to the board to issue a designated representative license to an individual that meets specified criteria. This section also specifies that an individual licensed as such is responsible for protection of public health and safety in the handling, storage and shipment of dangerous drugs and devices in a wholesaler or veterinary food animal drug retainer.

Background

Current pharmacy law establishes the requirements for licensure as follows:

- a. High school graduation or equivalent
- b. One year paid work experience within the past three years OR

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- Meet all of the prerequisites to take the pharmacist licensure examination
- c. Completion of a training program

The board is currently seeking changes to this section of law through an omnibus proposal to clarify that the experienced required above is earned in a licensed facility.

Staff Recommendations

Staff recommends the Licensing Committee members review and discuss the proposed language and recommend to the full board, consideration of one additional change to this section of pharmacy law to waive the training program for an individual that meets the requirements to take pharmacist licensure examination. By law, such an individual would have either a BS or PharmD in Pharmacy as well as at least 1500 hours of intern experience.

Following is the draft language that could be used to facilitate implementation of such a requirement. As presented, the language in single underscore is the language currently approved and incorporated into omnibus bill. The language with a double underscore reflects the new language for committee consideration.

4053. Designated Representative to Supervise Wholesaler or Veterinary Food-Animal Drug Retailer

(a) Notwithstanding Section 4051, the board may issue a license as a designated representative to provide sufficient and qualified supervision in a wholesaler or veterinary food-animal drug retailer. The designated representative shall protect the public health and safety in the handling, storage, and shipment of dangerous drugs and dangerous devices in the wholesaler or veterinary food-animal drug retailer.

(b) An individual may apply for a designated representative license. In order to obtain and maintain that license, the individual shall meet all of the following requirements:

(1) He or she shall be a high school graduate or possess a general education development certificate equivalent.

(2) He or she shall have a minimum of one year of paid work experience in a licensed pharmacy, drug wholesaler, drug distributor or drug manufacturer, in the past three years, related to the distribution or dispensing of dangerous drugs or dangerous devices ~~or meet all of the prerequisites to take the examination required for licensure as a pharmacist by the board.~~

(3) He or she shall complete a training program approved by the board that, at a minimum, addresses each of the following subjects:

(A) Knowledge and understanding of California law and federal law relating to the distribution of dangerous drugs and dangerous devices.

(B) Knowledge and understanding of California law and federal law relating to the distribution of controlled substances.

(C) Knowledge and understanding of quality control systems.

(D) Knowledge and understanding of the United States Pharmacopoeia standards relating to the safe storage and handling of drugs.

(E) Knowledge and understanding of prescription terminology, abbreviations, dosages and format.

(4) An individual that satisfies all of the prerequisite requirements to take the pharmacist licensure examination is exempt from the requirements of paragraphs (2) and (3).

~~(4)~~ (5) The board may, by regulation, require training programs to include additional material.

~~(5)~~ (6) The board may not issue a license as a designated representative until the applicant provides proof of completion of the required training to the board.

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- (c) The veterinary food-animal drug retailer or wholesaler shall not operate without a pharmacist or a designated representative on its premises.
- (d) Only a pharmacist or a designated representative shall prepare and affix the label to veterinary food-animal drugs.
- (e) Section 4051 shall not apply to any laboratory licensed under Section 351 of Title III of the Public Health Service Act (Public Law 78-410).

Discussion

Chair Veale referenced the language provided in the meeting materials and provided an overview of the proposal.

Ms. Sodergren explained the proposal and why it is being brought to the committee to allow a person who has graduated from a college of pharmacy to qualify for a designated representative license as their educational training is far more extensive than the required one year of training.

Steve Gray from Kaiser requested the members consider adding the requirement that a person must be a minimum of 18 years of age as the law will not permit an under aged person to sign a waiver to provide any conviction information and cannot attain arrest records if under the age of 18, which could result in a potential public safety issue.

Motion

To accept staff recommendation and further amend to require a minimum of 18 years of age.

M/S: Brooks/Law

Discussion: Ryan Brooks questioned the need for the language to specifically state 18 years of age. Ms. Herold provided additional comments on the role of a designated representative and explained one of the ways the board ensure the business is viable is by requiring a surety bond of one hundred thousand dollars.

Amended Motion

To accept staff's recommendation and include in the language the requirement that a designative representative must be 18 years of age and to keep the training a minimum of one year.

M/S: Brooks/Law

Support: 5 Oppose: 0 Abstain: 0

5. Review of Request from Det Norske Veritas (DNV) to Renew Board of Pharmacy Approval as an Accreditation Agency for Licensed Sterile Injectable Compounding Pharmacies.

Relevant Statutes

Business and Professions Code Sections 4127 – 4127.8 provides for the regulation of pharmacies that compound sterile injectable drug products in a pharmacy. Pharmacy law creates an exemption from the licensure requirements for a pharmacy that is accredited by a private accreditation agency approved by the board (B&PC 4127.1 (d) and 4127.2 (c).)

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Background

For the past several years the board has been discussing several elements of pharmacies that compound sterile injectable products, including the requirements for private accreditation agencies. As part of the current approval process, such agencies apply to the board for consideration and approval by the board.

Det Norske Veritas (DNV) was previously approved by the board for a three year period. This approval will expire later this year. As such DNV has submitted a new request to the board. Regrettably because this meeting was rescheduled, a representative from DNV is unable to attend the committee meeting. Board staff will continue to work with DNV and will be prepared to discuss their request during the full board meeting scheduled later this month.

Discussion

Chair Veale reviewed the information provided in the meeting materials and informed the members that DNV was not able to attend since the meeting had been rescheduled and they had a conflict with the new meeting date.

Motion

To recommend to the board at the April board meeting to allow DNV a three month extension to allow for them to present before the committee in May.

M/S: Law/Wong

Support: 5 Oppose: 0 Abstain: 0

6. Update and Discussion on Implementation of BreEZe and Its Potential Impact on License Applications and Renewals.

Chair Veale reported over the past several years, the board has been apprised of the status of implementation of the new computer system, BreEZe, through the board's Organizational Development Committee. This will continue to be the case; however board staff would like to also advise the committee about the upcoming transition to the new system by some of the boards within DCA.

As the committee may be aware, as part of the implementation strategy used by the DCA to deploy this new system, boards and bureaus within the department are transitioning to this new system in three releases. While our board is scheduled for the second release, we will be impacted during the actual cut over time period for those programs in release one. Specifically, it is anticipated that several of the board's licensing functions will be on hold for about four to six days. During this time applications cannot be processed and licenses cannot be renewed. We have been advised that the cut over is scheduled for mid-May.

Chair Veale discussed the impact to staff and the board on the systems being down during this period.

Victor Law expressed his concerns how this may impact the processing of the graduating pharmacist applications.

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Steve Gray from Kaiser asked about additional information about when licensees expire and how this could affect their renewal. Dr. Gray suggested that we reach out to CDPH and other regulators to notify of this situation.

Ms. Herold reported the board will send out subscription alerts advising licensees to renew their license early during this timeframe. The implementation of the new system must take place and the timeframe of four to six days with the systems being down is unavoidable. She has indicated she will be the point person to address concerns by these regulators.

7. Accreditation Reviews Planned During 2013 of California Schools by the Accreditation Council for Pharmacy Education.

Chair Veale reported all schools of pharmacy in the United States are accredited by one body, the Accreditation Council for Pharmacy Education (ACPE).

Schools of pharmacy are visited according to a schedule developed by ACPE. Typically a California board member is invited to participate as an observer during accreditation visits of California schools of pharmacy by the ACPE. As the board learns the schedule of which school is undergoing review, typically Board President Weisser asks several board members if one of them would be interested in participating in this review as an observer.

This year, two California schools are under review. California Northstate was reviewed in April, and UCSF will be evaluated in the fall.

Board Member Kajioka participated as an observer at California Northstate; President Weisser will participate as an observer at UCSF.

Ms. Herold advised the committee about six additional pharmacy schools that are in various stages of accreditation.

Board President, Stan Weisser, reported he has participated as an observer at a couple of schools and he recommends that other board members participate as an observer as well because the experience is very valuable to understand the accreditation process.

8. Results of CE Audits.

Chair Veale reported California law requires pharmacists to complete 30 hours of continuing education every two years (except for the first renewal). The board currently licenses approximately 40,000 pharmacists.

As an alternative to having each pharmacist submit proof of completion of 30 hours of continuing education credit, California requires every pharmacist at time of renewal to sign a portion of the renewal application as following:

I successfully completed the hours of continuing education for renewal. I completed ____ hours of CE during my last renewal period.

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I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Signature_____

Date_____

Every year, the board audits a number of pharmacists who certify they have completed the required CE. During these audits, not all pharmacists are able to provide proof that they have completed the CE they reported.

During the last two years, CE audit stats when summarized are:

OVERALL: 422 audits were completed:
 340 Passed (80.6 percent)
 82 Failed (19.4 percent)

 Of the 82 who failed:
 55 later became compliant (67.1 percent)
 27 failed and became inactive (32.9 percent)

Those who failed were cited and fined.

By each year, the summary stats:

	<u>AUDITS</u>			<u>RESULTS</u>		<u>Of those who initially failed:</u> <u>FINAL OUTCOME</u>	
	Initiated	Completed	Pending	Pass	Fail	Became Compliant	Remained Non-Compliant
2011	198	198	0	159 (80.3%)	39 (19.7%)	25 (64.1%)	14 (35.9%)
2012	226	224	2	181 (80.8%)	43 (19.2%)	30 (69.8%)	13 (32.2%)

Victor Law asked about the use of the National Associate of Boards of Pharmacy (NABP) continuing education program for reporting compliance with continuing education.

Ms. Herold discussed the limitations on the NABP's system and indicated currently that system only collects continuing education information that is Accreditation Council for Pharmacy Education (ACPE) approved. Our law allows for continuing education approved by other boards as well as continuing education granted by the board. The NABP's system does not report on these types of approved continuing education in their system.

9. Review of Statistics regarding Discipline and License Denial of Pharmacy Technicians.

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At this meeting at the request of President Weisser, the committee will begin review of statistics regarding the number of pharmacy technicians who are formally disciplined following licensure, are denied licensure at time of application, or who are issued a probationary license. We will also report statistics on those who are issued permits, placed on probation and then surrender their licenses.

Chair Veale provided an overview of the item and referenced the statistics on the discipline and license denial of pharmacy technician's report that was handed out at the meeting.

Mr. Brooks requested the committee discuss the issue of medical marijuana as well as licensees the board is placing on probation and why.

Ms. Shellans explained the topic of medical marijuana will need to be placed on a future agenda in order for the committee to discuss this issue as it is not noticed on this agenda.

Ms. Herold reported these statistics were placed on this agenda for the committee to review the disciplinary cost associated with pharmacy technicians.

Dr. Wong asked if the board can reach out to the pharmacy technician schools to provide guidelines to prevent people with certain types of arrests and convictions from being able to enroll in a pharmacy program.

Ms. Herold reported there are various methods that a person can qualify for a pharmacy technician license and the board reviews each applicant's arrest and conviction independently.

Action

To add on a future agenda the legal discussion on the basis for denial.

10. Competency Committee Report.

California Practice Standards and Jurisprudence Examination for Pharmacists (CPJE)

The board instituted a quality assurance review of the CPJE effective April 1, 2013. This process is done periodically to ensure the reliability of the examination. As of the date of this report, the quality assurance review is still under review. Based on historical patterns, the board anticipates results being released approximately May or June 2013. The board encourages all qualified applicants to continue to schedule and take the CPJE exam. The greater the number of applicants who take the exam during this review period, the sooner results can be released.

Examination Development

Competency Committee workgroups will continue to conduct examination development meetings during the spring of 2013.

No public comment was provided.

11. Licensing Statistics.

Licensing Statistics for July 2012 – February 2013

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Chair Veale reported on the licensing statistics for July 2012 to February 2013. During these past eight months, the board received over 10,800 applications and issued over 9,500 licenses. The number of applications received decreased over 8% and the number of licenses issued decreased over 3% when compared to the same time periods last fiscal year.

No public comment was provided.

12. Public Comment for Items Not on the Agenda*

No public comment was provided.

Chair Veale adjourned the meeting at 2:20 p.m.